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ABSTRACT

This report, written for state legislators, law enforcers, and researchers, presents the results and recommendations of a study of youth crime and juvenile justice in California. Part I, The Control of Youth Crime in California Today, discusses juvenile crime rates, the processing of juvenile arrests, and arrest disposition patterns. Part II, The Development of Juvenile Law and Intervention Strategies in a Historical Context, addresses the evolution of the juvenile court and its critics, and the search for effective treatment programs. Several treatment programs are described, including the California Community Treatment Project, the Silverlake Experiment, Unified Delinquency Intervention Services, and VisionQuest. Part III, A Reform Agenda for California Juvenile Justice, focuses on the organization of juvenile correctional programs including treatment and sentencing options, authority, and the development of community-based sentencing. The final subsection in part III focuses on the study group's recommendations to the legislature, which include the creation of a juvenile justice commission with ongoing authority to empower legislative changes, funding changes, and sentencing reforms. The appendices present movement patterns and parole outcomes in 1975, Washington State's juvenile sentencing law, and charts of arrest and disposition patterns. A four-page list of references is included. (BL)

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Youth Crime and Juvenile Justice in California

A Report to the Legislature

Peter W. Greenwood, Albert J. Lipson
Allan Abrahamse, Franklin Zimring

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PREFACE

In September 1981 Rand was awarded a contract by the California State Assembly to study the issue of serious juvenile crime. The study addressed such questions as: How much crime of this sort is there? How well does the system deal with it now? How might the system deal with it in the future? This report is the final result of that study.

In the period since the work began, there have been significant changes in the juvenile law and in the leadership of those agencies charged with its administration. An almost complete turnover has occurred among the top state decisionmakers concerned with juvenile justice, including the Assembly Criminal Law and Public Safety Committee (formerly the Assembly Criminal Justice Committee), the governor, the attorney general, the head of the Youth and Adult Corrections Agency, and the Director of the Youth Authority. The legislature has recently established a one-year Commission, to be made up of representatives from practitioner agencies.

Fortunately, the changes in law and leadership do not appear to have altered the principal issues raised by this report to any great extent. That result was not accidental. With the support of the former Subcommittee on Juvenile Justice (of the Assembly Criminal Justice Committee), the authors focused on mid- to long-range policy issues that transcend both the day-to-day operations of the system and the particular philosophy or management strategies of the incumbent officials.

This report is intended for those public officials and their staffs who are responsible for the continuing development of California's juvenile justice system: legislators, prosecutors, judges, law enforcement and probation officers, and state corrections officials. No matter what changes are made in the juvenile law, nor which particular path efforts toward reform may take, each of these agencies will continue to have its own unique role to play. It is hoped that this report will help inform these policymakers about the potential consequences of their decisions. The report should also be of interest to policymakers and researchers in other states who are grappling with similar issues.

EXECUTIVE SUMMARY

INTRODUCTION

The juvenile court was founded at the turn of this century as a specialized institution for dealing with dependent, neglected, and delinquent minors. Its guiding principle was *parens patriae*, a medieval English doctrine that allowed the Crown to supplant natural family relations whenever a child's welfare was at stake--in other words, to become a substitute parent. The procedures of the court were avowedly informal, and its intentions were presumed to be benign. Fact-finding focused on the minor's underlying problems, rather than the specific delinquent acts, that brought him or her before the court. Dispositions were intended to reflect the minor's "best interest."

In its brief history, attitudes toward the juvenile court have shifted from general acclaim as one of the greatest social inventions of modern times, to mounting criticism over its lack of procedural safeguards or solicitous care and its inability to curb rising juvenile crime rates. Although appellate court decisions have now conferred on juveniles most of the procedural protections that are applicable to adults, juvenile law activists continue to advocate further expansion of procedural protections, the current objective being the right to a jury trial. In somewhat the same vein, there is a youth advocacy lobby that argues for reducing the amount of juvenile court intervention in delinquents' lives. Diversion, deinstitutionalization, and community treatment are their current battle cries. This group argues that formal sanctions and institutionalized treatment only aggravate delinquent tendencies.

The most numerous critics of the juvenile court hold it accountable for failing to protect the public from predatory juvenile criminals in deference to what is seen as its naive concern for these minors' best interests. The views of this group are articulated most forcefully by police and prosecutors who generally support tougher, more adult-like sanctions for serious or repeat juvenile offenders. Recommendations for reform from this group range from decreasing the age jurisdiction of the juvenile court from 18 years of age to 16, to increased waiver of serious juvenile cases to the adult court, to mandatory, or at least longer, sentences for juveniles.

The juvenile court is easier to criticize than to reform, however. Juvenile justice is, and will remain, a troublesome public policy issue because of the competing social objectives it involves and because our basic knowledge about how to handle troublesome youths is so deficient. Other obstacles to change are the system's heavy reliance on informal discretionary decisionmaking, necessitated by its voluminous caseload, and a shortage of community-based services to deal with the problems of delinquency-prone youths.

While many critics are prepared to suggest how the juvenile system should be reformed, there has been very little systematic analysis of how the system currently works, or how it might respond to the proposed reforms. This study was commissioned to help define the major problems confronting California's juvenile justice system, and to provide guidance to the legislature in evaluating potential reforms. It is based on interviews with system practitioners; observation of current programs; analyses of arrest and case disposition data; and reviews of the juvenile justice and treatment literature.

One of our principal conclusions is that the process of experimentation, evaluation, and reform in juvenile justice practices should be a continuing effort. Current knowledge about how to change the behavior of delinquent youths, or about the impacts of various disposition practices on any type of youths, is so limited as to provide only the most rudimentary basis for predicting the effect of most reforms. In order to foster and support this reform process, we recommend that the legislature establish a continuing Juvenile Justice Commission, consisting of leading juvenile justice practitioners and supported by an adequate staff, to assume primary responsibility for developing and overseeing the implementation of juvenile justice reforms. We also recommend that:

1. The legislature recognize punishment, along with treatment and incapacitation, as an appropriate juvenile justice system objective and charge the Commission with the gradual

development of prescriptive sentencing guidelines as a means of articulating the appropriate balance between these competing sentencing objectives and available resources. Such guidelines are now utilized for the sentencing of juveniles in Washington and for adults in Minnesota.

2. The Commission develop more systematic procedures to measure the cost and effectiveness of treatment programs, and to hold program administrators accountable for the results of their programs. Results should be measured in terms of recidivism rates. The Commission should collect and publish data on juvenile sentencing practices and supervise the collection and publication of recidivism data as a basis for continuing assessment and evaluation of the juvenile justice system.
3. The legislature, the Commission, and local authorities should consider changes in the organization and methods of funding treatment programs that will encourage greater competition and innovation, including the participation of private contractors. For example, resources might be allocated to local public or private agencies whose performance attracts placements, instead of being routinely allocated to particular programs or institutions (i.e., local camps or CYA). San Diego County, encouraged by Judge Dennis Adams, has contracted with a proprietary firm called VisionQuest to treat serious offenders outside the community, and has approved in concept contract management of a county juvenile camp. Programs such as VisionQuest should be evaluated as alternatives to traditional institutional placements for serious juvenile offenders.
4. The legislature and the Commission increase efforts to identify and utilize a greater variety of community-based resources that can respond to the needs of juvenile offenders whose records and behavior are not serious enough to require some form of restrictive placement. The Juvenile Justice Connection Project, developed by Judge Irwin Nebron in the San Fernando Valley, provides an excellent example of such a program.

5. The Commission be empowered to propose statute changes to the governor and the legislature.

JUVENILE CRIME RATES

In 1980, juveniles between the ages of 13 and 17 represented 11 percent of the population but accounted for 40 percent of felony arrests nationwide. This figure tends to overestimate the extent of the juvenile crime problem in that juvenile crimes tend to be less serious than those committed by adults. The percentages of juvenile arrests are lower for the most serious types of crime (9 percent for homicide, 16 percent for forcible rape, and 31 percent for robbery). Within a particular crime type, such as robbery, juvenile offenses are less serious than those committed by adults in that juveniles are less likely to be armed with a gun, less likely to seriously injure their victims, and more likely to commit crimes in groups. This latter characteristic further inflates the percentage of crimes erroneously attributable to juveniles on the basis of arrest figures, because it is much more likely for juveniles than adults that several offenders will participate in and be arrested for any one crime.

In contrast to the perception of many observers that we are in the midst of a juvenile crime wave, the large growth in juvenile arrest rates experienced during the past two decades appears to have leveled off during the past four or five years. In fact, the absolute number of juvenile arrests in California and the rate per 100,000 population have both begun to decline.

The juvenile crime problem is not equally distributed throughout the state, but is particularly concentrated among nonwhite males who reside in major metropolitan areas. The arrest rate for black male juveniles is ten times that for whites, and arrest rates within any ethnic or age group are 50 percent higher in Los Angeles than the rest of the state.

The early childhood of juveniles in high-risk delinquency groups is disproportionately afflicted by poverty, broken homes, limited academic achievement, unemployment, and violence--all factors that have consistently been shown to be associated with delinquent behavior and to be worsened by adverse economic conditions.

Although a large fraction of any particular age cohort will be arrested at least once prior to their 18th birthday, most of these juveniles will only be arrested once or twice. For those that are arrested several times, the probability of future recidivism increases with each subsequent arrest up to about five, where it flattens out. A follow-up study of juveniles released from camps and ranches in 1974 found that about one-third were recommitted to juvenile institutions or convicted in criminal court within 18 months of their release. A ten-year follow-up of wards released from several CYA institutions found that 80 percent were subsequently arrested for a felony.

This pattern of delinquency creates the basic dispositional dilemma of the juvenile court. It is the practice now in most juvenile courts to treat first, second, and even third-time offenders fairly leniently, usually placing them on probation in the custody of their parents. This lenient treatment, as an alternative to some other placement, is rationalized on the grounds that most of these delinquents will not continue into more serious forms of criminal conduct, and institutionalization might do more harm than good. There is little in the way of community programming that falls between these two options.

In most instances this policy is correct. However, a small fraction of cases involves repeat juvenile offenders for whom leniency has done nothing to deter them from serious crime. The obvious inference is that the system failed to teach these youths a lesson when it had the chance. By the time they get to a county camp or the CYA, it is too late. That is the dilemma. The juvenile court cannot teach the chronic offenders a lesson on their second or third offense without also teaching it to a much larger group of delinquents who will not become chronics. But what exactly is that "lesson" supposed to be?

THE DISPOSITION OF DELINQUENCY CASES

The juvenile court process can be distinguished from the criminal court process primarily by its speed and informality. Considerably fewer formal steps are required to reach a disposition, and the allowable processing time between steps is shortened. Serious juvenile cases are disposed of in three to six weeks, while comparable criminal cases can run six months to a year.

The options available for handling any particular delinquency case run the gamut from counseling and release by the arresting officer; through diversion to community programs by the police or probation; to placement in group homes or secure institutions under orders from the court. Juveniles over 16 years of age can be remanded to the criminal court if the juvenile court finds that they are not amenable to treatment by the programs it has to offer.

In theory, the disposition of any particular case is supposed to be based on a comprehensive assessment of the juvenile's needs and background. The disposition selected should be the least restrictive alternative consistent with the needs of the minor and the protection of the public. In practice, the pattern of dispositions follows a "just deserts" model, with longer placements associated with more serious offenses or longer prior records. There is no easy way of measuring how well the "interests" of the minor are looked after, but everybody knows how to count time in secure placement and what it means: For most offenders excluding the small fraction with severe psychological problems, secure placement means punishment and discipline. Both are justified by practitioners as being therapeutic. Participation in academic and vocational classes is also required of most wards, based on the unproven assumption that the development of these skills will improve their chances of not recidivating, and also because such activities occupy their time. The system does not take the notion of rehabilitation seriously enough to hold practitioners accountable for the effectiveness of their programs or to keep searching systematically for more effective intervention strategies.

The evidence suggests that the juvenile system is becoming increasingly punitive, particularly for the more serious offenders. Between 1978 and 1981 the number of juveniles placed in secure county facilities jumped by 23 percent while CYA placements increased by more than 10 percent. All this is occurring at the same time that arrest rates for most crime categories are either leveling off or declining.

Because of their volume, minor nature, and the supporting theory that formal intervention is often counterproductive, most juvenile arrests do not result in a formal court hearing. More than 60 percent are handled by informal counseling or referral to other agencies. Juvenile arrests for more serious crimes such as burglary or robbery are filed and settled in court about as frequently as those of adults. In fact juveniles with extensive prior records, who are arrested for these crimes, are more likely to be convicted than are adults. At the upper limits of offense and prior record severity, juveniles are sentenced to secure institutions about as frequently as are young adults with comparable records, although they clearly do not serve as long a period of confinement.

Our review of juvenile disposition patterns in Los Angeles, Oakland, and Sacramento indicates that the same basic patterns occur in all three sites: The more serious cases are less likely to be diverted or screened out prior to formal fact-finding, and they are more likely to result in incarceration or state time. The effects of either offense or prior record severity on sanction severity are large.

There are, however, some important differences among the sites. There is much less diversion or screening of juveniles in Oakland and Sacramento as compared with Los Angeles. The high conviction rates for juveniles in Oakland and Sacramento suggest that it is easier to convict a juvenile than an adult in those jurisdictions. Higher conviction rates do not necessarily lead to higher incarceration rates, however. Among juveniles with less serious records, Los Angeles incarcerates a higher percentage of arrestees than Oakland or Sacramento, even though its conviction rate is lower, suggesting that Los Angeles is more likely to divert those cases likely to get probation.

When the disposition of juveniles (ages 16 and 17) is compared with young adults (ages 18 to 20) in Los Angeles and Sacramento, the only relationships that appear to hold up across sites are that (1) sentence severity increases substantially with offense or prior record severity for both juveniles and adults, and (2) lightweight juveniles are less likely to be incarcerated than lightweight adults. In Los Angeles, the presence of aggravating factors increases the conviction rate for juveniles but not for adults. In Sacramento, the presence of aggravating factors increases the conviction rate for both juveniles and young adults. In Sacramento, the incarceration rate for juveniles is lower than for similarly situated adults, while Los Angeles incarcerates serious juvenile offenders about as often as it does equally serious adults.

While these differences in disposition practices among sites may be explained by such factors as differences in crime rates, public attitudes or differing policies among the police, probation, prosecutor, public defender, or the courts, they may also raise questions about the equity of treatment that is afforded to juveniles across different areas of the state.

SENTENCING REFORMS

When we began this study, it was easy to find fault with the broad sentencing discretion afforded to juvenile court judges and with the indeterminate nature of juvenile placements. Were these not the unmitigated "evils" that determinate sentencing has come to replace in the adult system? Can they still be justified for juveniles? We now believe that they can and must.

The juvenile and criminal courts have different objectives. Both are concerned with protecting the public; but whereas criminal courts focus primarily on determining the appropriate amount of punishment, juvenile courts are also concerned with salvaging the minor. In most cases the juvenile court must be granted a considerable degree of flexibility and discretion in making dispositions that are appropriate for an individual juvenile's situation, if the rehabilitative mission of the system is to be supported. The real issue here is not whether the sentence for a particular crime should be based exclusively on punishment, treatment, or incapacitation grounds; instead, it is the appropriate balance among these conflicting objectives.

A realistic system for dealing with serious juvenile offenders must simultaneously recognize that the kid is a criminal and the criminal is a kid--the two are inseparable. The concept of rehabilitation may provide a splendid way of thinking about what should be done for the kid, but ignores the principal reason the kid is in the system: He has committed a serious crime and is a danger to his community. These principles are not now well articulated in the juvenile court law, nor is the juvenile court provided with guidance on how to balance its conflicting objectives in particular types of cases.

The two principal criticisms leveled against the juvenile court by those who favor a tougher stance against juvenile crime are that repeat offenders are given too many chances before they receive any real punishment, and that serious offenders are not sentenced to long enough terms. Both criticisms are a matter of judgment and available resources. When we examine the disposition patterns for juvenile arrests, we find that juveniles with fewer than five arrests are treated more leniently than are young adults. Restrictive placements are infrequently used. But for juveniles with more than five prior arrests, we find restrictive placements being made as frequently as incarceration is used in the criminal courts.

In other words, the juvenile court, by and large, reserves restrictive placements for juveniles who have either committed very serious crimes or who have accumulated extensive prior records--the same kind of sentencing pattern found in the criminal courts with their orientation toward punishment and incapacitation. The same criteria of offense seriousness and prior record are used by the Youthful Offender Parole Board in determining parole consideration dates for wards committed to the CYA.

Proponents of more frequent and longer restrictive placements must bear in mind that these placements will require additional resources, and that there is little evidence that they will significantly reduce rates of recidivism or of serious crime.

Public concern about specific heinous juvenile crimes has prompted proposals to permit younger offenders (14- and 15-year-olds) to be waived to criminal court. In most cases, waiving juveniles to the adult court results in CYA placement, not prison. Consequently, reducing the age of permissible waiver could well create the aura of more punitive sanctions without producing the desired result. Mandating that remanded youths serve part of a lengthy determinate term in the CYA and the rest, if necessary, in prison would distort the basic purpose of the CYA and is a decision not to be taken lightly.

The most appropriate method for addressing these sentencing issues is through the gradual development of prescriptive sentencing guidelines or policy statements that focus on particular combinations of offense type and offender characteristics. We specifically advise against the adoption of determinate or mandatory sentencing laws, or lowering the age jurisdiction of the juvenile court, as unnecessary and impractical approaches. Prescriptive guidelines, as they have been developed in Washington and Minnesota, provide a recommended sentence, or range of sentences, for various combinations of offense type and prior record. Policy statements would stop short of providing prescriptive sentences for all combinations of offense type and prior record, but they would go considerably further than the current law in articulating how the competing objectives of treatment, punishment, and community protection should be resolved in particular types of cases.

All that prescriptive guidelines can do is recommend time, or other punishments, for particular combinations of offense type and prior record. They cannot say anything about appropriate treatments that are unique to the individual. Therefore, the more restrictive the guidelines or policy directives, the more the objectives of sentencing shift from treatment toward punishment. In Chap. 9 of the main text we show how it is possible to develop guidelines that are restrictive for the most serious categories of offenders, while retaining ample flexibility for less serious offenders.

The most important advice we can offer concerning sentencing guidelines is that the legislature *not* attempt to develop them itself. Rather, we recommend the delegation of this authority to a continuing Juvenile Justice Commission composed of appointed representatives from all types of juvenile justice agencies and supported by a full-time staff. We shall say more about the role of this commission later.

REHABILITATION REFORMS

The concept of rehabilitation--that systematic interventions in the lives of juvenile offenders can reduce their future criminality--is central to the juvenile law. It is the focus of dispositional hearings. It is the most critical issue in determining whether a juvenile should be remanded to the criminal court. It is the principal source of contention about whether to punish or divert minor offenders. It is what 95 percent of juvenile delinquency matters are all about.

The principal problem with the concept of rehabilitation as it is used in juvenile justice today is that it has become a meaningless euphemism, a smokescreen for other more punitive and custodial purposes. For instance, it is conventional practice to consider a program as rehabilitation (or treatment) if its avowed purpose is to reduce future recidivism, no matter what results it actually achieves. Education, work experience, vocational training, behavior modification, counseling, recreation, detention, and rigidly enforced disciplinary codes are the conventional building blocks of juvenile rehabilitation programs, even though there is no clear evidence that any particular one or combination of these activities works better than any others, or better than no treatment at all. Activities or rules that are recognized in other contexts as primarily punitive or promoting institutional control become justified on rehabilitative grounds when they appear in a juvenile justice setting.

The state of the art in delinquency treatment today is such that no particular techniques or approaches have been proven superior to any others. That statement includes recent well-intentioned innovations: A broad range of experiments conducted over the past two decades failed to demonstrate that any particular forms of innovative community or institutional programs were consistently more effective than traditional approaches. This situation, in which the ability of the juvenile justice system to perform its central function is challenged by the available social science evidence, has led to some unfortunate consequences. Juvenile correctional staff, although they have considerable treatment resources at their disposal, are not held accountable for the outcome of their efforts. Programs are routinely evaluated by administrators based on inputs, not outcome. There is no incentive to keep searching for improved techniques, since there is little optimism that they can be found, and no evidence that the system is prepared to recognize them if they are. This situation appears to be one of the most serious problems confronting juvenile justice practitioners today.

If we conceded that treatment has no positive effect on future criminality, we would have to accept several corollaries:

1. Rehabilitation would no longer be a valid criterion for juvenile placement decisions. Therefore, the system would have to fall back on punishment and incapacitation as its principal objectives, as does the adult system today.
2. The people who work with juveniles would have to revise their own perception of their roles from change agents and facilitators to mere custodians and guards.
3. The current high rate of recidivism for juveniles committed to institutional care would surely guarantee a continuing large supply of adult career criminals.

For several reasons, we believe that such resignation is both premature and self-defeating: (1) because the scientific evidence remains ambiguous, (2) because the consequences of such a position are so severe, and (3) because we, as a society, have a continuing obligation to try to help minors whose delinquency is largely due to their family and social background. However, if rehabilitation is to remain an active mission of juvenile justice agencies, we would suggest a number of gradual reforms intended to revitalize and increase the amount of attention devoted to this important task.

The first change should be in how we look for effective treatment programs. We must recognize that treatment programming is a continuing experiment, and more art than science. We are unlikely to find any specific techniques or magic cures for the diverse set of causes and behavior patterns that lead to serious juvenile delinquency. The effectiveness of any particular program will hinge primarily on the capabilities and commitment of the program leadership. Working with delinquent juveniles is a demanding, frustrating, and frequently underpaid endeavor. It also requires a willingness to advocate controversial positions. Some programs will do better than others, but this relative superiority may change over time with changes in staff.

We must devise a system that offers more incentives for innovation and effective leadership. We must develop a system of accountability that periodically allows us to compare the effectiveness of one program with another, in dealing with comparable types of youths--not to identify superior treatment techniques, but to identify superior staff.

We need to build more continuity into our system of case management, so that a single organization can supervise and be held accountable for the outcome of a treatment applied to specific clients. Under the current system of functional specialization, separate agencies are responsible for diagnosis and placement, institutional programming, and parole supervision. If wards trained in welding at a particular CYA institution are having trouble finding or holding appropriate jobs, there is no single administrator who has the responsibility to take corrective action or who is even likely to be aware of the problem.

Another advantage of the case continuity concept is that it would allow large juvenile correctional agencies to decentralize their operations, providing a form of competition for treatment effectiveness that is completely missing from the current system. Each subunit would be expected to operate a full range of diagnostic, residential, and parole supervisory activities. This concept of competition among programs should also be extended to private contractors who can offer types of programming that are not available through public agencies, or who can demonstrate that they are more effective than public programs at comparable costs. In recent years, a privately operated program called VisionQuest, which puts seriously delinquent juveniles through demanding tests of skill and endurance in remote wilderness settings, has earned the enthusiastic support of several juvenile court judges who were searching for more effective programs.

The present array of fiscal incentives appears to lack any overall policy direction. The county now pays almost the full cost of institutionalization in local juvenile halls, ranches, and camps. The state pays almost the full cost of CYA placements and out-of-home placements of delinquent youths in foster homes, group homes, and residential care centers. Although local authorities maintain that placement decisions typically reflect the "best interest of the minor," they clearly have a fiscal incentive to place youths in a state facility or out-of-home placement. They have little or no incentive to develop local options for serious offenders. Only recently has a private contractor (VisionQuest) handling serious juvenile offenders been authorized to receive foster-care placement funds. However, the AFDC foster-care program terminates at the end of this fiscal year and fiscal retrenchment is likely to reduce the state share of funding from the present 95-5 state local match to something significantly less than that.

A majority of delinquents who come before the juvenile court have had only limited, if any, prior contacts with the system. For many, their delinquent behavior is but a symptom of some serious underlying problem, such as difficulties at home or in school, undiagnosed visual or hearing impairment, or problems with drug dependency. Many of these youths need some form of assistance or treatment that their families or schools are apparently unable or unwilling to provide. This kind of assistance, for youths whose behavior is not serious enough to require confinement, has always been in short supply; and the availability of public assistance programs is declining even further with the current cutbacks in government spending. One way of dealing with this shortage of public resources, which may be contributing to more serious forms of delinquency on the part of those juveniles who could benefit from them, is for the juvenile court to make an active effort to involve the community more directly in dealing with these cases. The Juvenile Justice Connection Project, developed by Judge Irwin Nebron in the San Fernando Valley, is an excellent example of such a program.

IMPLEMENTATION

Our final recommendation concerns the approach to be taken in making any substantial changes in the juvenile justice system. The process of reform and evaluation should be a continual activity. Juvenile justice practitioners should be continually experimenting with new approaches to their work. To support this process, the legislature should establish a continuing Commission on Juvenile Justice, consisting of leading practitioners. The commission's responsibilities would include monitoring juvenile disposition patterns; gradually developing and refining sentencing guidelines or policy statements as deemed appropriate; ensuring that appropriate follow-up data are collected to allow the evaluation of treatment program effectiveness; encouraging organizational changes and funding incentives to promote more competition among programs, including the use of private contractors; and recommending statutory charges to the appropriate legislative committees. The commission should also be supported by an appropriate staff to carry out these continuing functions.

In summary, the juvenile justice system is a large and complex bureaucracy that must continually balance the competing aims of salvaging delinquent minors and protecting the public. This is not and will not be an easy task. The frustration and failure rate will always be high. But surrendering either goal would have serious consequences for the future health of society.

In recent years the juvenile system has been reasonably responsive in heightening its concern for public protection. Although many people may not be satisfied with the balance it now strikes, it is not obvious that some other solution would win any greater approval. We strongly suggest that concerns about greater public protection from serious juvenile offenders, or the treatment of less serious offenders, be pursued through the current system.

ACKNOWLEDGMENTS

This study would not have been possible without the full and enthusiastic cooperation of the many state and local officials responsible for juvenile justice matters who opened up their agencies and records to our inspection, and who shared so unstintingly some of the wisdom they have acquired in the practical day-to-day world of juvenile justice. We could not have asked for better cooperation.

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Chapter 1

INTRODUCTION: A PRIMER ON THE ISSUES

Robert Johnson is one small part of California's juvenile crime problem. Robert is a somewhat wary, black, 18-year-old who is currently confined in the Preston School of Industry, the deep end of California's Youth Authority. The Los Angeles Juvenile Court committed him to the CYA for attempting armed robbery with two of his friends. The CYA sent him to Preston because his record showed he was assaultive and gang-oriented. Before this commitment Robert lived with his mother and two older brothers in South Central Los Angeles.

Robert has been in trouble with the law before. He was first arrested at age [illegible] for stealing a bike. He was arrested six or seven times over the next four years (the record is unclear) for a variety of crimes, ranging from petty theft and drinking on the school grounds to assault and attempted robbery. He served 24 weeks in a Los Angeles County Probation Camp for one of his thefts, and nine months in the CYA for the attempted robbery.

When he is not locked up, Robert's principal activity is hanging out with his friends. He has not attended school regularly since he was 14. He reads at the 4th grade level. Robert never knew his real father but he has known a succession of his mother's boyfriends, who sometimes reside at his house. One of his older brothers has a record like Robert's. Neither brother has ever been "regularly" employed for more than a month. Robert's mother scrapes by on a combination of welfare, part-time work, and help from her boyfriends. She is often angry or depressed because of her inability to control or provide for her sons, or because of problems with a boyfriend. When her children were small, she often used physical violence to control them. Her boyfriends exposed Robert to both drug dealing and drug using. The ones he admires most are the flashy hustlers who always seem to have money and drugs to spread among their friends.

At Preston, Robert is attending compulsory classes in reading and math and is being trained as a printer. He likes the trade. Although reasonably well adjusted to institutional life (several friends preceded him there), he is still involved in gang activity and ratpacking (ganging up on a single youth for one reason or another), which serve as both entertainment and a way to maintain his reputation at Preston.

When he leaves Preston on parole, Robert will enter a job market in which the demand for apprentice printers is very low, particularly for those with his educational deficiencies and criminal background, no matter how diligently he applied himself at Preston. The future does not look rosy.

The juvenile crime problem consists of thousands of Robert Johnsons of all races and ethnic groups. Commonly they are the products of broken homes, inadequate schools that could not maintain their attention, and stunted economic opportunity. Such factors hit inner-city youths particularly hard, and obviously contribute to the continuing criminality of juveniles like Robert.

Juvenile crime is a problem for both citizens and government, not merely because kids do a lot of crime (which they do); and not merely because the seriousness of juvenile crime is increasing (which it has been doing over the past two decades). It is also a problem because of the conflict in values that any attempt at intervention raises. The most serious crimes--robbery, assault, homicide, burglary, and rape--inflict the same damage whether committed by a juvenile or an adult. A robbery victim feels no less anguish and concern if the robber is a juvenile. Predatory juvenile crime can destroy a neighborhood as quickly as crime by adults. Consequently, the public responds to serious juvenile crime much as it does to adult crime, with a dual demand that the offender be punished and the community better protected.

For their less serious offenders, the juvenile and criminal justice systems have begun to develop a range of enlightened responses that serve to both punish and help the offender, and to pay back the community. Examples are restitution, community service projects, and part-time lockup (although infrequently used). The juvenile who completes a 40-hour community service project, resulting from a petty theft conviction, is a source of satisfaction to everyone.

But lesser offenders are far less of a problem than the Robert Johnsons--the 16-year-old robbers with five prior arrests for everything from theft to assault. Hardened by the harsh environment from which they sprang, hostile toward "the system" and its representatives, resistant to any sort of helping hand, prizing a reputation for toughness, they arouse negative feelings in many people. The system may want to be lenient but find that it is stuck with lockup time as the only recourse for felonious Robert Johnsons.

The system has few qualms about an adult robber with these characteristics. If he has a record of prior felonies, society feels justified in locking him up for a substantial period of time, the purpose being punishment, deterrence, incapacitation, or all three. Once he is behind bars, few people worry about him much. He is getting his just deserts. He knew what the consequences could be, and now he is paying the price. As for the future--that, too, is up to him. If he was an illiterate and unskilled 22-year-old when he went into prison, and is an illiterate and unskilled 26-year-old when he comes out, that is his problem. Society hopes he has "learned his lesson," but will settle for his being a littler slower and wiser in the future.

With juveniles it is different. The more serious and gratuitous their crimes, the less sure we are about who is really at fault. Is a 16-year-old black or Chicano youth completely to blame for being a school dropout or a gang member when many of his peers are taking that route? We feel much less self-righteous about inflicting pain on a 16-year-old, in the name of punishment, when he may have experienced nothing but pain all his life.

Adolescence itself is an aggravating influence--a turbulent phase of the familiar process of growing up. We remember the awkwardness and anxiety of our teenage years, especially when we face the task of raising teenagers in our turn. We are aware that rebellion and separation are necessary for the adolescent's self-realization and for society's rejuvenation and continued progress, and we know that juveniles sometimes carry the violence of their rebellion too far. We have every reason to be concerned about locking up kids for long periods of time during these formative years.

Because of these concerns, the guiding rhetoric, although not necessarily the practice, of the juvenile system has been rehabilitation. In California, a child who is found delinquent because he or she committed a criminal offense can receive any disposition from "home on probation" to a commitment to the Youth Authority for an indeterminate term. The primary consideration is supposed to be the youngster's treatment needs; community protection is secondary.

In practice, kids who have committed more serious crimes or have longer records are usually found to need more treatment than other offenders. More treatment gets translated into longer terms. The first-time robber may get probation. The second-time robber may get 36 weeks in county camp. The third-time robber may end up doing a year in the CYA. The legal justification for these different placements is that the youth is in need of the treatment programs that these institutions offer. The reason for committing the third-time robber to the CYA cannot be that he is dangerous and the community needs protection. The commitment order must find that he cannot be rehabilitated by the available local programs and therefore he is being committed to the CYA, where the appropriate help can be found.

How are juvenile offenders "treated"? The legal basis for the commitment was treatment need. Once a kid is committed to either a county camp or the CYA, his tentative release date is based primarily on his commitment offense and prior record--a "just deserts" model. His release date is adjusted up or down based on his compliance with the program. As one might expect, the principal forms of treatment are school, vocational training, and work experience. Of course, a youth must learn to abide by the rules of the institutions. In the CYA the principal rule is not to fight or ratpack other wards (juvenile inmates), a difficult rule to live by when you are frequently challenged and your most prized possession is your honor and reputation with your peers. Even the counselors acknowledge that wards sometimes must fight when challenged or suffer shame and the possible stigma of getting a P.C. (protective custody) label.[1]

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[1] The wards who require "protective custody" and are housed separately from the mainline units include snitches, homosexuals, punks,

At a county camp, the rules may forbid smoking or require periods of silence before head counts or in the chow line. One Los Angeles camp penalizes the kids for participating in segregated activities. Two blacks who want to play basketball have to find a white youth to "integrate them," or they will lose points on their weekly merit score. Those rules may seem reasonable, even admirable. But rules can also become so stringent that they would strike an outsider as arbitrary and draconian, and perhaps arouse the suspicion that they were devised to make life easier for the staff. The difficulty is that there is no single effective approach; any set of rules, lenient or drastic, will find its persuasive defenders.

It seems logical, for example, that if you can force a kid to make his bed, refrain from talking during head counts and in the chow line, attend school, and maybe march in formation, he will be more manageable on the outside. But it seems equally logical that if the kid is the typical inner-city hard-core delinquent who, when he gets out, is going right back into the same disorganized, frustrating, violent atmosphere, he may be even more rebellious and contemptuous of the system when he hits the street--whether in spite of, or because of, the discipline he has been subjected to.

The problem with the so-called rehabilitative ideal of the juvenile system is not that these forms of treatment--schooling, vocational training, work experience, behavior modification, group counseling, etc.--do not work: They all work to some degree. The problem is that there is no convincing evidence that one method or program works consistently better than any other--meaning that the design of treatment programs for any particular group of youths is fairly arbitrary. Historically, the rehabilitation ideal has provided the operators of the juvenile system with a blank check to do just about as they please. The concept of "treatment" can be invoked to justify anything from a miniature military academy (exactly what Preston was designed to resemble), with time served based entirely on institutional performance;

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or those who are in danger because some particular group of wards is out to get them--obviously, all people with "poor reputations" among mainline wards.

to systems where the need for treatment (time served) is based almost exclusively on commitment offense and prior record; to group homes in the community (Massachusetts).

A concept that flexible is a shaky guide indeed, but it allows ample latitude for proponents of widely different treatment modalities. If you want to impose strict rules and punish the kids for disobeying them, you can appeal to behavioral psychology and say that the kids are being taught to live in a structured environment. If you want to run a fairly permissive program, you can appeal to learning theory and say that you are preparing kids to live in an adult world where there are fewer formal rules and more subtle incentives. If you want kids to serve long terms, you can claim that they need extended exposure to the program (two years of vocational training and work experience are required, say, because nine months didn't work the last time). If you want kids to serve short terms, you can design a program that exposes them to everything they need in 25 weeks, and claim that any longer terms are redundant.

A realistic system for dealing with serious juvenile offenders must simultaneously recognize that the kid is a criminal and the criminal is a kid--the two are inseparable. The concept of rehabilitation may provide a splendid way of thinking about what should be done for the kid, but it ignores the principal reason the kid is in the system: He has committed a serious crime and is a danger to his community. The alternatives to rehabilitation that can be invoked in guiding juvenile disposition policies are the concepts of deserts, incapacitation, and deterrence.

Deserts is primarily a concept of proportionality. The punishment should fit the crime: The cop killer cannot go free even if he needs no treatment, because he committed a serious crime; but the kid who drinks liquor or won't go to school or runs away cannot be locked up, because he has not committed a serious crime. The concept of deserts can be invoked as a limiting principle that determines the range of sanctions that are appropriate for particular forms of behavior; but deserts cannot be relied on exclusively since it ignores the twin objectives of helping the kid and protecting the community. Within the ranges established by deserts, other principles must be applied.

Incapacitation refers to the restraining effects of incarceration. Research on the effects of incarceration suggests that imprisonment neither extends nor shortens criminal careers. For that subgroup of offenders who have a high probability of continuing in crime, on the average, incarceration simply reduces the amount of time that they are on the loose in the community. The higher the rate at which offenders would commit crimes while they are free, the greater the incapacitation effect of imprisonment in reducing crime. To maximize the protection afforded the community, incapacitation theory suggests that those offenders whom experience has shown to have the highest offense rates should be sentenced to the longest terms.

Deterrence theory also suggests a relationship between sentencing policy and crime. General deterrence refers to the inhibiting effect of sanctions on all potential offenders. Increasing the probability of arrest, conviction, or incarceration, or increasing sentence lengths, is thought to reduce the amount of crime. Unfortunately, the available empirical evidence concerning deterrence effects cannot establish either the existence of these effects or their magnitude, because of a number of methodological problems. However, deterrence studies have consistently shown that if deterrence effects do exist, they appear to be much more sensitive to the likelihood of conviction and incarceration than to the length of terms (Blumstein et al., 1978). Taken together, recent research on deterrence and incapacitation suggests that the crime-reduction effect of imprisonment will be maximized by increasing the certainty of some minimum sanction for all offenders, while imposing long sentences on only those offenders predicted to commit crimes at a high rate in the future (Greenwood, 1983).

It may appear that we are suggesting a highly mechanistic approach to juvenile sentencing policy--simply incorporate incapacitation and deterrence concepts into a just deserts framework and come up with a specified sentence for every combination of offense and prior record. That is not our concept at all. Suppose you are faced with two juveniles who have committed the same crime and have identical prior records. One is 14 years old, the other 17. Would you treat them both alike? The principal age-ranges covered by the juvenile court, 12 to

18, include adolescents in vastly different stages of intellectual and emotional development. All of their faculties are not developing at the same rate. And how would you sentence a 14-year-old who participates in a robbery with a 17-year-old cousin? Suppose the 17-year-old is "slow" and it appears that the 14-year-old is calling the shots. There are no ready-made answers.

Or consider a 16-year-old who engages in gratuitous violence for some trivial monetary gain; almost by definition, he has a serious mental or character disorder. A 16-year-old who is making reasonable progress in school but has trouble controlling his anger represents an entirely different problem. So does a hardened 16-year-old robber or burglar who has completely given up school and adopted a criminal lifestyle.

Another aspect of juvenile offenders that sets them apart from adults is that they tend to commit crimes as they live the rest of their lives--in groups. A crime committed by a group raises the additional problem of how to handle accessory defendants, particularly when only one of the group was armed or injured a victim.

These simple examples suffice to show that the legal description of the offense and prior record alone are not enough to categorize juveniles for disposition purposes. The need to balance the conflicting motives of the system, and to recognize a wide range of potentially aggravating or mitigating circumstances, cannot be handled mechanistically. The system must continue to rely on the informed judgment of local juvenile courts to resolve these issues in individual cases, perhaps guided by an evolving body of policy guidelines designed to articulate the state's interests and concerns for particular types of cases.

Of course, the Robert Johnson we described at the beginning of this chapter is not a typical juvenile delinquent. He exhibits a more advanced form of criminal behavior than most of the juveniles who come before the court. Most juveniles who show up in court never come back a second time. The absolute number involved in crimes of violence is fairly small. We chose to focus attention on the problems posed by a Robert Johnson because he typifies the juvenile delinquents about whom the public is most concerned. He also presents the biggest challenge.

One of the principal crises in the juvenile justice system today concerns the issue of public confidence. If the system is to be allowed to continue treating the majority of juvenile delinquents with the flexibility that it has used in the past, it must demonstrate that it is doing its best to protect the public from the Robert Johnsons.

This report, which was funded by the California legislature, analyzes the major juvenile justice issues the legislature should be concerned with, and proposes several policy initiatives that the legislature might take in addressing those issues.

We begin by describing, in the next three chapters (Part I), the characteristics and patterns of youthful crime and how youthful offenders are treated in California today. The next two chapters (Part II) provide a historical context for later discussions of potential reforms, by describing the development of the juvenile system, its contemporary critics, and some important milestones in the search for effective intervention strategies. The last three chapters (Part III) show how specific reform agendas in treatment and sentencing can be pursued in the specific context of California juvenile justice.

There are no obvious or easy solutions to the problems that this report identifies. Most of the issues that we raise are recognized by many practitioners within the system, many of whom have been responsive to public demands for greater protection. As a result, the disposition pattern for serious juvenile offenders has come to look much like that for adult offenders. Although the juvenile pattern is still clearly more lenient in absolute terms, it is probably less so in relative terms, since the time horizon of juveniles tends to be shorter. (For adolescents, who tend to think less of the future than do adults, the passage of a year may seem much longer that it does to an adult.) Recidivism rates for chronic juvenile offenders are unacceptably high, but there are no clear strategies for bringing them down. Many juvenile offenders exhibit a range of emotional, attitudinal, and behavioral problems that are frequently the result of parental and community neglect; left uncorrected, these problems hamper their chances of achieving responsible adulthood.

Any juvenile justice policies that ignore these underlying problems, or give up the search for ways to treat them, merely enlarge the criminal population that must be dealt with in the future, while condemning many juveniles to careers of intermittent crime and incarceration because of their bad luck in having been born to the "wrong" parents in the "wrong" communities.

The problem of juvenile delinquency will not be resolved by simplistic solutions--deinstitutionalization, longer terms, mandatory waiver, or whatever else. Given a limited amount of resources and institutional capacity, the issue is how to allocate these resources between the competing goals of treatment and community protection, and how to get the maximum effectiveness out of the dollars that are spent.

This report was prepared to provide guidance on more effective use of California's resources in a difficult and high-priority area of governmental involvement.

The primary purpose of this report is to stimulate public dialog and debate about the fundamental objectives and future direction of the juvenile system in California, and to inform that debate with objective analysis of juvenile disposition patterns, costs, and treatment alternatives.

Part I

THE CONTROL OF YOUTH CRIME IN CALIFORNIA TODAY

This report is divided into three parts. Part I describes the juvenile justice system as it functions in California today. Part II provides some historical background on how the system has developed over time; and Part III describes several reforms that might lead to more effective and consistent handling of juvenile offenders.

The three chapters in Part I are based on different sources of information. Chapter 2, which describes the pattern of juvenile crime rates, is based on an analysis of arrest data compiled by the Bureau of Criminal Statistics within the California Department of Justice, supplemented by findings from the juvenile delinquency and criminal career literature. Chapter 3, which describes the juvenile justice system, is based on interviews and observations in a variety of juvenile justice agencies across the state; in-depth interviews and observations in Sacramento County, a typical mid-size jurisdiction; and analyses of the extensive computerized records maintained by the California Youth Authority on all first commitments to that agency in 1975. The full details of this latter analysis are described in App. A. Chapter 4, which describes what happens to juveniles arrested for serious offenses, is based on analyses of several hundred sample cases involving juveniles and young adults arrested in 1980 in Los Angeles, Sacramento, and Alameda counties. These samples were specifically selected and coded for the purposes of this study.

Chapter 2

JUVENILE CRIME RATES

JUVENILE ARREST RATES

Aggregate arrest data and victimization surveys are frequently cited as evidence that juveniles between the ages of 13 and 17 account for a disproportionate share of crime. In 1980 this age group, which represented only 11 percent of the population, accounted for 40 percent of reported arrests for index crimes[1] nationwide (U.S. Department of Justice, 1980). In the National Crime Victimization Surveys conducted between 1973 and 1977, offenders between the ages of 12 and 17 accounted for approximately 20 percent of the crimes against persons reported by the respondents (Hindelang and McDermott, 1981).

However, not all index crimes are of equal seriousness. In 1980 juveniles accounted for only 9 percent of all homicide arrests, 16 percent of all forcible rape arrests, and 31 percent of all robbery arrests. Juveniles did account for 64 percent of all burglary arrests, by far the largest single arrest category.

Even within a single offense category, there can be considerable variation in the seriousness of individual offenses. Robberies can run the gamut from simple schoolyard extortions to armed assaults on residences or commercial establishments. Burglary can mean anything from entering a school or garage or any other type of building for some type of mischief, to residential and commercial burglaries in pursuit of significant financial gain (459 P.C.).

The national victimization studies, in which victims were asked about the characteristics of their assailants, provide some information on how juvenile robbers differ from adult robbers. Juveniles are less likely to be armed with a gun and are less likely to seriously injure their victims, and their robberies inflict smaller loss on the victims (Greenwood et al., 1980; Hindelang and McDermott, 1981).

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[1] The crimes which are used in compiling the FBI's Uniform Crime Index are homicide, rape, aggravated assault, robbery, burglary, auto theft, and grand larceny.

Juveniles also commit crimes in groups much more often than adults. Only one-third of the robberies committed by offenders under 21 involve lone offenders, compared with two-thirds of those by older offenders (Greenwood et al., 1980; Zimring, 1981). This disparity means that arrest figures tend to overestimate the true victimization rate attributable to youths. Given two robberies resulting in arrests--one committed by three juveniles and the other by a single adult--the arrest figures would indicate that three-quarters of the robbers are juveniles, although they account for only half of the crimes.

Clearly, the seriousness of the juvenile crime problem can be exaggerated by reliance on aggregate arrest data alone. By combining data on the frequency of group behavior and weapon use, Zimring (1981) has estimated that while offenders under the age of 21 represent 60 percent of all robbery arrests, they account for only 31 percent of all robberies in which an offender is armed with a gun.

The relative proportions of crime attributable to juveniles and adults becomes important in analyses of crime control strategies that focus on particular types of offenders. For example, locking up more adult robbers for longer periods of time would reduce robbery rates more than would locking up adult burglars reduce burglary rates, because juveniles commit almost two-thirds of the burglaries. The relative seriousness of juvenile and adult crimes also becomes important when we compare their disposition. If we find that youthful offenders are sentenced more leniently in either juvenile or criminal courts, as compared with older adults charged with the same offense, some of the leniency may be due to differences in offense severity rather than an implicit policy of leniency toward youth (Greenwood, Petersilia, and Zimring, 1980).

Of course, many juvenile arrests are for crimes that are even less serious than those included in the FBI's Uniform Crime Reports. Out of almost 300,000 juvenile arrests in California in 1979, only 1700 (six percent) were for felony crimes against the person, and more than half were for misdemeanors (California Department of Justice, 1979).

RACIAL AND GEOGRAPHIC DIFFERENCES

Juvenile arrests are not equally distributed across age groups, ethnic groups, or geographic areas of the state. Arrest rates (number of arrests per 100,000 population at risk) tend to peak between 16 and 18 years of age. The arrest rate for blacks, in any age group, is several times that of whites, particularly for violent crimes. Arrest rates in Los Angeles are higher than for the rest of the state, even when controlling on race and age.

To examine the variations in arrest rates across population groups, we analyzed summary arrest data maintained by California's Bureau of Criminal Statistics (Department of Justice) for 1976 and 1980. We considered arrest rates for homicide, robbery, assault, and burglary, and for populations defined by race, age, place, and year. Figure 2.1 displays the results for 1980.

Arrest rates differ strongly among categories. The strongest difference is racial: The black arrest rate is 5 to 15 times the white, depending on the offense. This difference is greater for violent crimes, particularly homicide and robbery. Age "causes" the second strongest difference. Depending on race and offense, the adult arrest rate ranges from about one-third to twice the juvenile rate. Arrest rates differ from place to place, but mainly we find a difference between Los Angeles County and the rest of the state. Arrest rates in the rest of Southern California do not differ markedly from those in the San Francisco Bay area.

These figures demonstrate that serious juvenile criminality is concentrated among particular types of juveniles and areas of the state. The homicide arrest rate for black and hispanic 16-year-old males is about 20 times that for 16-year-old white males. The robbery arrest rate for 15- and 16-year-old black males in Los Angeles County (5628 arrests per 100,000 population) is 17 times that for white males of the same age in Los Angeles County and about twice that of black males of a similar age in the rest of the state. This heavy concentration of violent crime among urban black juveniles is consistent with patterns that have been found across the county. For instance, in their analysis of crimes committed in Philadelphia between the ages of 10 and 18, and

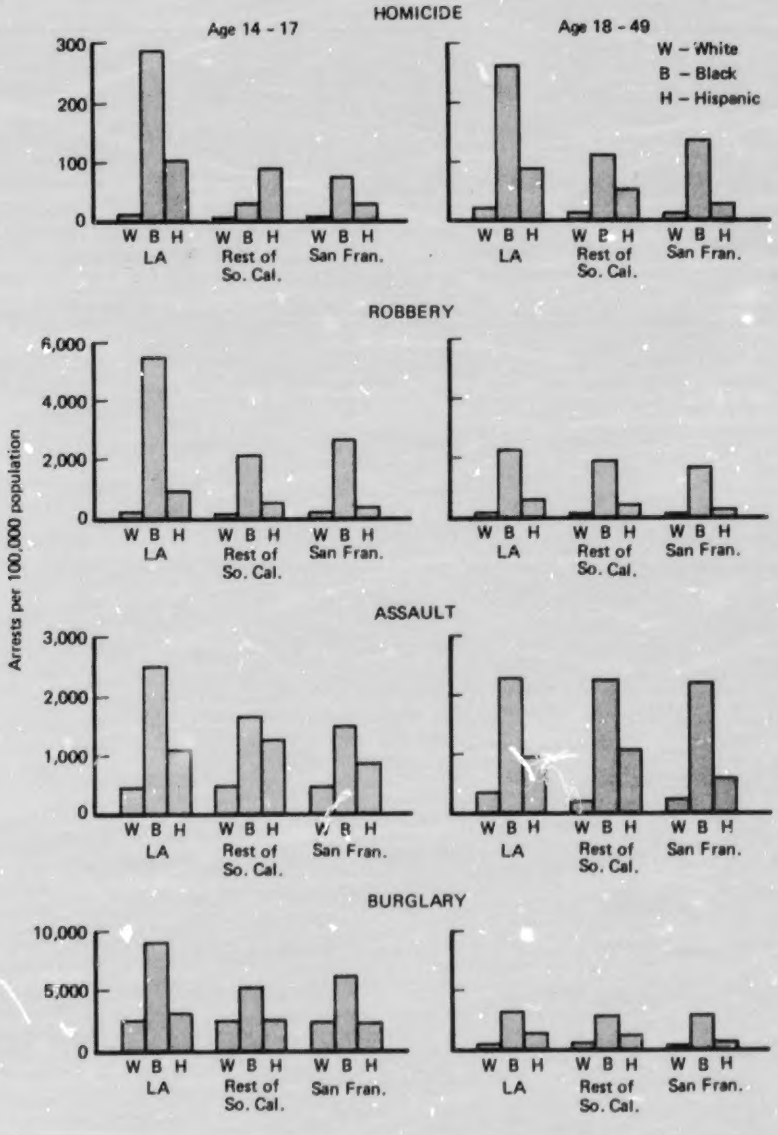

Fig. 2.1 -- Arrests per 100,000 of population at risk by race, age, place, and year

by members of the 1945 birth cohort, Wolfgang, Figlio, and Sellin (1972) found that blacks committed crimes against the person at a rate several orders of magnitude greater than whites. In an unpublished paper prepared for the Hudson Institute in 1976, Zimring estimated that the average offense rate for robbery, by black juveniles, in five American cities in 1970 (Cleveland, Boston, Dallas, Chicago, Washington, D.C.) was 8.5 times that by white juveniles.

TRENDS OVER TIME

There is a general perception that juvenile crime has been getting worse. In absolute numbers, and over the long run, it has. Several demographic trends during the period from 1960 to 1975 helped to precipitate this increase. The size of the juvenile population increased dramatically in both absolute and relative terms, and this increase was greatest among minority youths in urban settings (Twentieth Century Fund, 1978). Table 2.1 compares the volume of arrests for 13- to 20-year-olds between 1960 and 1975. Notice that the increases were largest for the most serious offenses--homicide, robbery, and assault--supporting the claim that juvenile crime is also becoming more serious.

Table 2.1

ARRESTS BY CRIME, AGES 13-20, 1960 AND 1975

Crime	1960	1975	Percentage Increase
Homicide	973	4,149	326
Rape	3,064	8,137	165
Robbery	15,141	74,903	394
Aggravated assault	12,342	65,316	429
Burglary	80,175	325,970	265
Larceny	141,897	602,132	324
Auto theft	44,038	87,843	99
Drugs	9,935	269,202	2609

SOURCE: Twentieth Century Fund, Task Force on Sentencing Policy, *Confronting Youth Crime*, Holmes & Meier Publishers, Inc., New York, 1978.

According to later figures, however, the absolute number of juvenile arrests in California, and the rate per 100,000 population, have both begun to show a decline. Between 1978 and 1981 the absolute number of juvenile felony arrests dropped by 8 percent (California Department of Justice, 1982).

A Summary Model of Arrests

We have developed a simple model that summarizes the differences in arrest rates among the groups. The estimated parameters of this model are displayed in Table 2.2. Here is an example of how to interpret Table 2.2:

- The basic arrest rate for homicide in 1976 for all groups is about 38.8 arrests per 100,000 population.

Table 2.2

SUMMARY MODEL OF ARRESTS

Base Rate and Adjustment Factors	Homicide	Robbery	Assault	Burglary
Base rate per 100,000: all groups in 1976	38.8	552.4	839.7	2017.2
Adjustment factors				
White juveniles	0.2	0.4	0.5	1.3
White adults	0.4	0.2	0.5	1.3
Hispanic juveniles	1.0	1.2	0.9	0.2
Hispanic adults	1.4	0.6	0.9	0.5
Black juveniles	2.2	5.9	2.2	3.8
Black adults	4.0	3.0	2.2	1.4
Los Angeles	1.3	1.2	1.1	1.1
Not Los Angeles	0.8	0.9	1.0	1.0
In 1980	1.5	1.2	1.2	1.1
Hispanics in San Francisco	0.4	0.6	0.5	0.6
Blacks in SoCal	0.5	0.8	0.8	0.9

- The arrest rate among white juveniles was about 20 percent of the basic rate, while the arrest rate among black adults was 4 times as great.
- The homicide arrest rate in Los Angeles is about 30 percent greater than average, while the rate outside of Los Angeles is about 20 percent less than average.
- There was about a 50 percent increase in the homicide arrest rates between 1976 and 1980.

The figures in these tables alert us to several important dimensions of the juvenile crime problem in California. First, the problem is much worse in Los Angeles than other parts of the state, particularly for crimes of violence. There are very strong racial differences that do not bode well for the future. There is considerable concern about the proportion of minorities, particularly blacks, who are now incarcerated by the system. Table 2.2 shows that any shift toward incarcerating a greater number of violent offenders and fewer less serious property offenders, which appears to be the current trend, will only increase the proportion of minorities incarcerated.[2]

This problem has two sides. If it is racist, as some may argue, to concentrate incarceration only on the types of crime in which minorities are most prevalent--violent crimes--it could be considered equally racist to depreciate the harm suffered by the minority victims of crime, who constitute the bulk of the victims of minority offenders. There is no easy choice here. A public opinion poll conducted by the Office of Criminal Justice Planning (Field Institute, 1981) revealed that blacks are more likely than whites to support incapacitation as a way to reduce violent crime.

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[2] Although the 15-to-24-year-old male percentage of the population is projected to decrease over the next 5 to 10 years, the decrease will be much less for blacks than for whites.

A CRIMINAL CAREER PERSPECTIVE

There are two important points to be made about the connections between juveniles and adult crime:

1. Most juveniles who experience only one or two arrests do not continue on into adult criminality.
2. Most adult career criminals have had extensive juvenile records. The earlier their first arrest and the more serious their record, the more likely they are to be serious adult offenders.

In their Philadelphia study, Wolfgang, Figlio, and Sellin (1972) found that about one-third of the males who resided in that city between the ages of 10 and 18 were arrested at least once before they turned 18, but only 6 percent experienced more than five arrests. The probability of a subsequent arrest increased with the number of prior arrests, up to about five, where it leveled off at 0.72: 72 percent of those with five or more arrests prior to age 18 experienced at least one more arrest for a nontraffic offense.

Rand's recent studies of criminal careers (Petersilia, 1980; Greenwood and Abrahamse, 1982; Chaiken and Chaiken, 1982) consistently found that the serious adult offenders were also the most likely to have serious juvenile records. Age at first arrest has consistently been shown to be a strong predictor of adult recidivism.

A follow-up study of California juveniles released from county camps, schools, and ranches[3] in 1974 revealed that approximately one-third (38 percent in Los Angeles County and 32 percent in the rest of the state) were recommitted to a juvenile institution or experienced a criminal court conviction within 18 months of their release (California Department of Justice, 1978). Recidivism rates for girls were considerably less than for boys (10 percent for girls in Los Angeles County versus 41 percent for boys) and somewhat higher for nonwhites. Further insight into juvenile recidivism rates is provided by Haapanen and Jesness (1982) who collected ten-year follow-up arrest information on juveniles and young adults committed to several CYA institutions in the 1960s. During the ten years following their release, the 2783 offenders in this sample were arrested 26,212 times; 52 percent were eventually arrested for at least one violent offense and 80 percent were arrested for a felony.

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[3] Middleweight offenders who are not usually first-time offenders but whose offenses are not serious enough to send to the CYA.

Chapter 3

THE PROCESSING OF JUVENILE ARRESTS[1]

Although the handling of juvenile offenders has become more "adult-like" in recent years, youths under 18 in California who violate the law are still governed by a separate body of law and a separate court system. The juvenile delinquency system differs from the adult criminal justice system in a number of fundamental respects. Primary among these are its emphasis on rehabilitation, individualized treatment, separation of juvenile offenders from adults, flexibility, faster processing, and more limited constitutional rights for the accused.

The juvenile system is founded on the doctrine of *parens patriae* (i.e., the state in the position of exercising parental control) and has as its basic legal purpose the "welfare of the minor." Although the legislature has in recent years placed greater emphasis on public protection, the juvenile system still does not "punish" and the court proceeding does not result in criminal conviction. A "petition" is filed not against the "defendant" but "on behalf of the minor." If the petition is "sustained" the minor may become a "ward" under the jurisdiction of the court; the court is to "secure for each minor such care and guidance, preferably in his own home, as will serve (his/her) spiritual, emotional, mental and physical welfare" (WIC 202--Sec. 202 of the Welfare and Institutions Code).

The juvenile delinquency process moves on a much faster track than does the adult criminal process. There are specified legal deadlines for the various required juvenile hearings, and the cases are disposed of more quickly--typically two to four weeks, while an adult case may take many months.

Under the flexible juvenile system, the police and the probation officer have broad discretion to divert a minor out of the delinquency process. The court has a wide range of dispositional options for delinquents, under an indeterminate system, while adult felons are

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[1] This chapter relies on in-depth interviews and observations in Sacramento, as an example of typical middle-sized jurisdictions, as well as more limited observation and interviews in other sites.

"punished" and sentenced to determinate terms. Because rehabilitation is a primary objective of the juvenile system, and detention is seen as frequently counterproductive, there is a legal presumption that the least restrictive disposition should be applied that is consistent with public safety.

A juvenile has most of the procedural rights available to an accused adult criminal, with two significant exceptions. A juvenile has no right to bail or trial by jury. He may also have his case heard by a referee instead of a judge, and may be cited or taken into custody by police even for a misdemeanor that was *not* committed within their presence.

Although the legislature has recently provided for more public access, a greater degree of confidentiality still prevails in juvenile court proceedings. Hearings involving specified serious crimes (murder, certain arson cases, armed robbery with a deadly weapon) are now open to the public, including the media, but all others are not. Access to juvenile court records is restricted to court personnel and those designated by the court. A juvenile record, however serious, can be sealed if specific statutory criteria are met.

The role of the probation department is unique in the juvenile system. Although its role in the court process is changing, the probation department still has primary administrative responsibility for processing juvenile offenders. Probation determines whether to detain a minor at the juvenile hall, screens cases, and decides which should be referred to the district attorney.[2] It also operates separate detention and commitment facilities. In the adult system, law enforcement refers cases directly to the district attorney and operates local correctional facilities.

Until very recently, another special characteristic of the California juvenile justice system was that parents of offenders could be required to pay for the costs of care and support if their children were detained or committed to any county or CYA institution. A recent court decision has eliminated this obligation, but parents can still be held civilly liable for damages that result from their children's delinquent acts.

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[2] A recently enacted bill (S.B. 105) removes, until January 1, 1985, the discretion of probation officers not to refer for prosecution any case involving a felony, if the juvenile is over 16 years of age or has previously had a petition involving a felony offense sustained, or any case involving certain specified violent crimes, no matter what the juvenile's age.

LAW ENFORCEMENT

Juveniles who commit criminal offenses are typically handled by regular street patrolmen and burglary or robbery detectives, while special juvenile division officers have jurisdiction over status (WIC 601) offenses and matters involving child abuse and neglect (WIC 300). Police have broad discretion in deciding whether minors they believe have committed offenses should be taken into custody (analogous to arrest). Instead of arrest they may counsel and release in the field, take the minor to his parent or school, informally refer him/her to a community agency, or issue a citation directing the minor to appear at the police or probation department for a hearing. The juvenile court law requires that the officer "prefer the alternative that least restricts the minor's freedom of movement" compatible with "the best interest of the minor and the community" (WIC 626).

Typically, law enforcement officers will either counsel and release or cite youths who commit misdemeanors after considering their age, prior record, attitude, and degree of parental control. For instance, Sacramento Police Department policy encourages officers to use a citation release instead of physical booking in as many misdemeanor cases as possible. Those cited are required to appear for a hearing before a probation officer at the juvenile hall. On the other hand, the Sacramento Sheriff's Department has its own diversion program. An officer may issue a Youth Citation requiring first-time or less serious offenders to appear for a hearing at the Sheriff's Department.

The officer in the street determines whether more serious offenders should be referred to juvenile hall for detention. Sacramento Police Department policies suggest detention for sex crimes, substantial property damage or personal injuries, or serious felonies that are part of a pattern or history of similar offenses. Where detention is suggested, a police department policy requires officers to check with probation to determine if the minor will be detained at juvenile hall, given the facts of the case. If probation intake decides the youth will be released, the police officer makes a "non-custody referral," avoiding an unnecessary trip to juvenile hall.

Probation: Intake and Court Services

In the adult system, law enforcement refers "complaints" directly to the district attorney for screening and prosecution. In the juvenile system, law enforcement referrals go first to probation. The probation intake unit investigates these referrals and exercises broad discretion to determine whether a minor should be detained, released, or placed on informal supervision, and also whether the district attorney should be requested to file charges (i.e., a petition) and prosecute. The role of probation in screening cases will be curtailed for a two-year trial period beginning January 1983. Under recently passed legislation, the district attorney will receive certain felony cases involving minors directly from law enforcement. This change is not expected to have a significant impact in many counties that already, as a matter of policy, have been referring all serious felonies to the district attorney.

The probation intake officer looks into the circumstances of the case and the background and prior record of the accused juvenile offender, delivered in custody, to decide whether the minor should be detained. For instance, Sacramento Probation Department policy states that a minor should be released to a parent pending investigation and/or adjudication of criminal charges unless any of the following conditions apply, justifying 24-hour detention: A court order has been violated; to protect the minor or another person; to assure that the youth does not flee the court's jurisdiction (WIC 628). If there are grounds for detention, and the intake officer determines that a petition should be filed, the case is submitted to the district attorney. This must be done within 48 hours and a detention hearing must be held within a specified time.[3]

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[3] Where a felony is charged, a detention hearing must be held within the next judicial day after a petition is filed. If a misdemeanor is charged, the detention hearing must be held within 48 hours or by the end of the next judicial day, whichever is later.

A minor with a record of prior felony arrests will usually be detained, as will an offender using a dangerous weapon. A first-time burglar will not usually be detained; neither will any less serious offender who is considered subject to parental control. If the youth meets detention criteria but the intake officer believes that 24-hour detention is not needed, he can release the minor to home supervision (WIC 628.1) under special restraint such as confinement at home. The law mandates that home supervision probation staff have small caseloads (no more than 10). They enforce probation conditions approved by the juvenile court judge.

Other dispositional options available to the intake officer are to dismiss the case, perhaps with informal referral to a community agency, or to place the offender on informal supervision for up to six months under the terms of a contract including such stipulations as restitution, volunteer service, counseling, regular school attendance, etc. (WIC 654). If such a contract is broken within the first 60 days, probation must request that the district attorney file a petition.

When a petition is filed charging a 602 offense,[*] a court officer from the investigations unit prepares a "social study" that details the offense, prior record, and the family and social background of the minor, and then makes a disposition recommendation to the court. In Sacramento, the social study is usually prepared before the jurisdictional hearing. In more serious cases, the social study is prepared after the jurisdictional hearing (i.e., trial) results in a sustained petition (i.e., conviction). While the social study is not available to the judge, it is available to the district attorney and public defender and, according to interviewees, helps resolve these cases. This is because it provides detailed information on the background of the alleged offender and helps condition plea bargaining between the district attorney and public defender.

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[*] Section 602 of the Welfare and Institutions Code (State of California) deals with criminal offenses committed by juveniles--acts that would be crimes if committed by adults. Section 601 deals with so-called status offenses--acts such as truancy or disobeying one's parents, which only pertain to juveniles.

With the introduction of lawyers into the juvenile court and the increasingly adversarial nature of the proceeding, the role of probation in the formal court process has diminished. The district attorney now prosecutes cases on behalf of the People, and the defense attorney, usually the public defender, represents the defendant. Probation still investigates the background of the case, provides information to the court, and makes dispositional recommendations, but its role in court no longer is dominant as it once was.

THE JUVENILE COURT JUDGE

The juvenile court presiding judge, according to interviewees, generally "sets the tone" for the operation of the court.[5] In many counties he or she appoints the chief probation officer who "serves the court," and juvenile court referees who serve at the court's pleasure. The judge sets calendaring (i.e., when various hearings will be held) and continuance policies, and controls the release of information about particular cases. The judge approves probation guidelines for how long youths will be placed and by his or her decisions influences disposition patterns.

Since there is no jury trial in the juvenile court, the juvenile court judge makes fundamental determinations affecting the status and disposition of accused young offenders. The judge presides over detention hearings and decides whether youths will be released or detained pending the jurisdictional hearing (i.e., trial). At the jurisdictional hearing the judge listens to the evidence and decides whether to dismiss or sustain the petition. If the petition is sustained, the judge has a number of dispositional options. The judge may dismiss the proceeding "in the best interest of justice," or place the minor under informal probation supervision or formal probation for up to six months with varying conditions (fine, restitution, community service, work project, school attendance, curfew, etc.). The judge may declare the minor a ward of the court and impose formal probation with varying conditions, including commitment to juvenile hall. The judge may order probation placement of a ward in a private foster home, a group home, a residential care facility, a county facility, or the California Youth Authority. When making a disposition the court must consider the probation department social study. According to interviewees, the court relies heavily on the probation recommendations.

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[5] Juvenile court judges are selected by the presiding judge of the superior court. Where there is more than one, a presiding juvenile court judge is designated. In Sacramento the juvenile court assignment is "traditionally" held for one year. However, the present presiding judge has served for four years. His predecessor served for almost three years, so there has been some continuity in tenure.

Following are hypothetical examples of typical dispositions based on interviews with Sacramento Court personnel:

- A minor burglary involving a youth with no prior record or a record of minor offenses could result in six months' formal or ward probation based on the degree of parental control, with probation conditions likely to include a work project assignment and possible family counseling.
- A second burglary offense, depending on the circumstances, could result in probation plus commitment to juvenile hall for 30 days plus a work project assignment.
- A 14- or 15-year-old boy or girl who commits burglary, auto theft, or minor assault, who is not too aggressive and has family problems, could be committed to the Thornton Youth Center, a small residential facility that provides intensive family counseling, for 16 to 18 weeks.
- A 14-to-18-year-old boy who commits armed robbery or serious assault and has a prior juvenile record would usually be sent to Boys Ranch for at least 5 months, or in some cases to CYA.
- A minor who commits a property or light assault offense and has severe personal or family problems might be placed with relatives or in a residential treatment center in Sacramento or elsewhere in the state.

A juvenile court judge also presides over a "fitness" hearing to determine whether a serious offender should be remanded for prosecution in the adult court. The waiver of juvenile court jurisdiction in California is governed by Sec. 707 of the Welfare and Institutions Code.

Prior to the enactment of A.B. 3121 in 1977, a minor over the age of 16 could be remanded to the criminal court if the juvenile court concluded that the minor was not amenable to the care, treatment, and training available through the juvenile system. This determination was made at a fitness hearing initiated by probation. The principal effect of A.B. 3121 was to shift the burden of proving fitness to the juvenile, while expanding the criteria for determining that a juvenile was unfit. The five criteria to be examined in determining the fitness of a minor include (WIC 707(a)):

1. Degree of criminal sophistication;
2. Whether the juvenile can be rehabilitated prior to the expiration of juvenile court jurisdiction;
3. Previous delinquent history;
4. Success of previous rehabilitation attempts; and
5. Circumstances and gravity of the alleged offense.

Minors over 16 years of age who are alleged to have committed one of the violent offenses listed in Sec. 707(b) can now be certified as unfit for juvenile court processing unless they are able to demonstrate their fitness. Under Sec. 707(c), the minor must prove fitness on each of the 707(a) criteria.

Juvenile court judges interviewed see the major purpose of the juvenile court law to be "rehabilitation of the minor" and support the flexibility available to adapt dispositions to the varying needs of the youths who appear before them. However, they also view the various dispositional options available to them as punishment with deterrent value that may help "turn kids around." According to one judge, "Kids pay for coming into my court." Another was chagrined that the public does not realize that consequences are imposed on youths who commit delinquent acts. There was a generally expressed concern that many youths come to court with behavior patterns so well established that little rehabilitation can be accomplished.

The District Attorney

The district attorney has played an increasing role in the juvenile process, especially since 1977, when state law required the district attorney to represent the People in juvenile proceedings involving criminal offenses. Prior to that time, probation officers represented both the interests of the juvenile and the state. This expanded role was in response to *In re Gault* (1967), 387 U.S.1, which required attorney representation of minors. The district attorney's current prosecutional responsibility in delinquency cases is about the same as in adult criminal cases. After screening by probation, he determines whether to file a petition declaring a minor a ward of the court. His role has been expanded further by new legislation eliminating probation screening of certain felony cases.

As in the adult adversary process, many juvenile matters are resolved through plea bargaining. In Sacramento, plea negotiations between the district attorney and defense typically concern charging. The minor may admit a lesser or different charge if the prosecutor dismisses some counts or reduces the charge.

District attorney office guidelines suggest that the prosecutor, in evaluating the desirability of a plea bargain, should seek to charge the offense that describes the actual criminal conduct as closely as possible and consider the effect of an admission of any lesser charge on the likely disposition. A "harder line" should be taken with youths having a prior record or who commit a severe offense involving violence, especially with weapons. They are also supposed to consider the minor's age, sophistication and attitude, the quality of the evidence, and the wishes of the victim, and balance the value of a contested hearing against its cost to witnesses and the court.

The requirements for a speedy trial in juvenile matters can affect the district attorney's ability to adequately prepare a major case. Although complex matters are given more time via continuance, less preparation time is usually available than for an adult criminal case and, according to some interviewees, some serious cases may get "short shrift" or be "bargained down" because of the time constraints. On the other hand, our analysis of arrest disposition patterns suggests it is easier to win a conviction in the juvenile court than in the criminal court, with comparable types of cases. For major criminal offenses involving minors over 16, the district attorney has discretion to request remand to the adult criminal court.

Although the district attorney represents the People in an adversary proceeding, interviewees suggest that the juvenile process permits the district attorney to ethically consider the best interest of the minor and his/her parents in particular cases.[6]

The Defense

Minors must be informed of their right to counsel when they are taken into police custody. In most cases the public defender becomes involved after a petition is filed and represents the minor at a detention hearing and all subsequent hearings. As an advocate for the minor, his or her responsibility is to gain dismissal or the least restrictive disposition (minimum punishment/treatment). When conflicts arise between a minor's views and interests and those of his or her parents, the parents may seek separate counsel.

PLACEMENTS

A minor declared a ward of the court may be placed with his family, with a relative, in a foster or group home, a residential treatment center, a commitment facility operated by the county probation department, or the CYA. The juvenile hall is the county's temporary secure detention facility for minors awaiting a hearing or an out-of-home placement. Youths may also be committed to the hall as a condition of probation.

The Sacramento Juvenile Hall has capacity for 225 youths in seven separate units. Youths are placed in different units based on age, special problems, sophistication, and nature of their offenses. The hall has recreation facilities and a school program. The hall houses the Family Unification Program, which was designed to provide intensive short-term family counseling services intended to avoid long-term, out-of-home, foster-care placement. The Juvenile Work Project operates on weekends and during school vacation. The Home Supervision Program is also directed by juvenile hall institutional staff. Average length of stay at the hall is 15 days.

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[6] Even in criminal cases, the prosecutor's mission, by statute, is "justice," not the vigorous prosecution of every case.

Juvenile camps and ranches are operated by county probation staff and serve as an intermediary placement between short terms in juvenile hall and longer commitments to the CYA. The average stay in a camp runs from six to nine months, whereas CYA terms now run in excess of a year.

Camps are also smaller, less secure institutions generally containing between 50 and 100 beds, while CYA facilities may house anywhere from 600 to 1200 wards.

The juveniles committed to a camp normally work to maintain the institution or other county facilities in addition to attending school or vocational classes. In Los Angeles County, older wards serve on work crews under the supervision of Department of Parks and Recreation personnel, which maintain county parks. The term to be served in a county camp is initially based on the ward's commitment offense; but it can be substantially increased or decreased based on the ward's performance and attitude.

Probation departments are responsible for finding suitable placement for wards removed from their home but not committed to a county facility. Those placed with relatives, in foster homes, and sometimes in group homes (six to eight youths) usually do not present severe behavioral problems, but they do not have a suitable home environment and commitment to a secure facility is not considered appropriate. Residential treatment centers and some group homes provide specialized treatment for emotionally disturbed or mentally retarded youths who are determined to require longer-term help than the typical four-to-six-month program available at county facilities. Probation staff check the progress of these placements and are called upon when special problems arise (such as running away or refusal to obey).

THE CALIFORNIA YOUTH AUTHORITY

The most severe placement for juvenile offenders is the California Youth Authority (CYA), a state agency that operates a number of large institutions and smaller forestry camps throughout the state. The CYA also accepts certain commitments from the criminal court if the defendant was less than 21 at the time of his or her apprehension. Once a youth is committed to the Youth Authority, his or her specific placement and tentative release date are determined by the Youthful Offender Parole Board, an independent hearing panel whose members are appointed by the governor.

The Youth Authority was established in 1941. Based on the American Law Institute's model Youth Correction Authority Act, the CYA assumed responsibilities for what were then three independently run training schools. Major additions to the CYA's capacity were made during the 1950s and 1960s, so that by 1970 its capacity exceeded 4000 wards.

During the nine-year period from 1972 to 1981, the CYA institutional population fluctuated between 4200 and 5700 wards. The percentage of commitments from the juvenile court (52 percent in 1981) as opposed to criminal courts, the number of female wards (209 in 1981), and the average age of the ward population (19) have all remained fairly steady, but other characteristics have not (CYA, 1982a). The percentage of the ward population committed for violent offenses increased from 36 percent in 1972 to 60 percent in 1981. The percentage of racial minority wards increased from 56 percent in 1972 to 70 percent in 1981. The percentage of wards from Los Angeles County increased from 36 percent to 45 percent. Since 1977 the mean length of stay has increased from 10.9 months to 13.1 months (CYA, 1981).

Case Management

The first stop for a juvenile or youthful offender who is committed to the CYA is either the Northern or Southern Reception Center. These two institutions, in addition to operating regular programs, process all new commitments during their stays of about six weeks. The newly admitted wards are subjected to a battery of tests, interviews, and examinations to identify their treatment needs and help select the institution they will ultimately be assigned to. The clinic experience also enables the staff to observe how a ward behaves in a group environment.

At the end of the reception clinic stay, the ward goes before representatives of the Youthful Offender Parole Board to have his or her institutional assignment and tentative release date set. The Parole

Board generally follows the recommendations of the CYA staff in the matter of individual placements. Length of stay is largely determined by guidelines adopted by the Board.

In theory, the institutions differ in program orientation, and assignments are supposed to be determined by which program best meets the needs of individual wards. In practice, with the exception of a few intensive treatment (for emotionally disturbed wards) or drug treatment programs, most institutions offer a full complement of treatment programs, and assignments are largely determined by age, level of maturity, security needs, and gang affiliation. The chief goal is to place a ward where he or she will fit in the best, and is least likely to be exploited by other wards or cause trouble.

The daily program for most CYA wards is a combination of academic and vocational classes. A small percentage of wards work on maintenance crews or serve in the forestry camps. The CYA also runs some small programs for seriously mentally disturbed youths who will not be accepted by mental health facilities because of their violent behavior. Wards in these programs are kept to themselves and maintain their own schedule of counseling and therapy.

Besides serving longer terms, CYA wards are more isolated from their families and community than are camp inmates. Because CYA institutions are remote from large cities, many inner-city families are unwilling or unable to make frequent visits.

To get a more detailed picture of how wards move between institutions, and what happens to them when they leave, we obtained and analyzed data from the CYA's OBITS data system for all wards entering the CYA as "new admissions" in 1975.[7]

The primary factors which appeared to determine the length of stay were: (1) the seriousness of the commitment offense, (2) prior record, (3) county from which committed, and (4) age. The average length of stay ranged from 36 months for first-degree murder, to 29 months for other murder, to 14 months for other violent offenses, to 10 months for property offenses. Wards with extensive prior records tended to serve longer terms as did wards committed from Los Angeles County. The effects of age were mixed, with the youngest and oldest wards serving the shortest terms.

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[7] The entering class of 1975 was selected in order to allow adequate time for parole success or failure after release.

The probability of parole failure appeared to increase with the severity of prior record, from about 29 percent for wards with no prior record to about 80 percent for those with 3 or more prior commitments. Among those wards with less severe prior records, those who were committed for property offenses were more likely to fail on parole than those committed for violent offenses. The opposite is true for wards with more severe prior records. Neither age nor county of commitment was significantly related to the chances of parole success.

Almost 80 percent of the wards spent their entire stay in one institution, excluding temporary moves of less than 60 days. There was little relationship between prior record and initial institutional placement. Wards who were transferred between institutions, presumably for disciplinary problems, had considerably longer lengths of stay than those who stayed in one place.

Chapter 4

ARREST DISPOSITION PATTERNS

One of the most frequent criticisms leveled against the juvenile court is that it is too lenient with serious juvenile offenders--those who have committed serious crimes or those with extensive prior records. This criticism is based on: (1) the "least restrictive alternative" language of juvenile court theory; (2) a presumption that juvenile court practitioners lean more toward salvaging the juvenile than protecting the public; and (3) aggregate disposition data showing that, on the average, juvenile court dispositions are in fact considerably more lenient than those for adults. This criticism has inspired proposals to make the system tougher, such as expanded criteria for juvenile court waiver, determinate or mandatory sentences, and elimination of probation screening.

However, recent studies that control for the severity of the offense challenge the presumption of leniency in the juvenile court. These studies found considerable age-related differences in the severity of offenses for offenders in the 14 to 20 age range, with the older offenders tending to commit the more serious crimes. This correlation can explain much of the apparent sentence severity differential between juvenile and criminal courts. In fact, that research implies that shifting a greater percentage of serious juvenile offenders up to the criminal courts may have little or no effect on the severity of their sentences.

To examine this issue in the California context, we selected and analyzed the handling of several samples of comparable juvenile and young adult cases. The samples were drawn from police arrest logs in Los Angeles, Sacramento, and Oakland. In all three sites, the arrestees were male juveniles 16 or 17 years old who were arrested for either armed robbery or residential burglary. The data from Sacramento and Los Angeles also include random samples of juvenile 602 arrests and their dispositions, selected without regard to age, sex, or arrest charge. Finally, the data from Los Angeles and Sacramento also include arrest samples of young adult males, charged by the police with either residential burglary or armed robbery, whose final disposition can be compared with that of the juveniles. For the armed robbery and residential burglary samples, we recorded several characteristics of the alleged offense that are related to its seriousness, and the prior criminal history of the defendant, in addition to the arrest charge and final disposition, which were recorded for all cases.

Our analysis will focus on two issues: (1) the effects of offense and prior record severity on juvenile disposition patterns, and (2) differences in disposition patterns between juveniles and young adults with comparable prior records. We will begin by examining the samples from Los Angeles, which are the largest and most comprehensive, and then look at differences across the three sites.

DISPOSITION ALTERNATIVES

To compare the disposition of juvenile arrests with criminal court processing, it is useful to distinguish six outcomes as they flow in sequence:

1. Referral: The arresting police agency refers the juvenile to probation for further action.
2. Request: Probation requests that the prosecutor file a petition in juvenile court, alleging that the juvenile is delinquent.
3. Filing: The prosecutor files a petition alleging specific criminal acts.
4. Conviction: The petition is sustained and the juvenile is found to be delinquent.
5. Incarceration: The delinquent is committed to either a county or state (CYA or Department of Corrections) facility.
6. State time: Commitment to a CYA or Department of Corrections facility.[1]

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[1] Although juveniles who have been remanded to the criminal court can be sentenced to state prison (Department of Corrections), none of the juveniles in our sample received this sentence.

In order to include juvenile cases that are waived to the criminal court (15 percent of the Los Angeles robbery cases), we include in steps 3 through 6 those cases that are eventually filed in adult court. In other words, step 3 includes cases that are filed in either the juvenile or criminal court. Step 6 includes juveniles that are committed to the CYA from either the juvenile or criminal court, and juveniles committed to state prison from the latter.

LOS ANGELES JUVENILES

Table 4.1 shows the basic pattern of dispositions for the three Los Angeles samples: armed robbers, residential burglars, and random 602 offenses. The entries in the table are the cumulative percentages of arrests for a specific arrest charge reaching each stage. For instance, of those juveniles (16- and 17-year-old males) arrested for armed robbery, 75 percent are filed on, 59 percent are convicted, 39 percent serve some time,[2] and 20 percent are committed to the CYA. The pattern of outcomes in Table 4.1 is one that will appear repeatedly in this analysis. The more serious cases are much more likely to be filed and receive more severe sentences. The lower rate of screening for more serious cases frequently results in a lower rate of conviction for those cases that are filed. The conviction rate for filed robbery cases (as opposed to arrests) is 78 percent, compared with the 91 percent conviction rate for filed burglary cases.

Table 4.1

LOS ANGELES JUVENILE ARREST DISPOSITIONS BY PERCENT OF ARRESTS

Arrest Charge	Filed	Convicted	Incarcerated	State Time
Armed robbery	75	59	39	20
Residential burglary	57	51	20	8
Random	38	30	11	4

The same pattern of dispositions appears if we look merely at differences within the robbery sample. For each robbery arrest in the sample, we coded a number of characteristics of the alleged offense that might be used to distinguish it as more or less serious. For example, robberies with guns are generally viewed as more serious than robberies with other types of weapons (knives or blunt instruments), because of the risk of greater harm to the victim. The other characteristics we coded were: victim vulnerability, victim/offender relationship, number of victims, number of suspects, type of premises, and degree of victim injury. Table 4.2 shows the prevalence of these factors among robberies committed by three different age groups in Los Angeles: 16-17, 18-20, and 21-25.

The characteristics of the Los Angeles robbery sample are consistent with prior research that has found juvenile offenses to be less serious. The higher frequency of gun use, of residential or commercial robberies, and of single perpetrators among older offenders would lead us to expect that group to receive somewhat harsher sentences.

Among the juvenile robbers, we found two offense characteristics associated with substantially more severe outcomes: gun use and robbery of residential or commercial premises. If either of these factors is

Table 4.2

LOS ANGELES ROBBERY ARREST SAMPLE: PRESENCE OF
AGGRAVATING OR MITIGATING CHARACTERISTICS
IN ROBBERY OFFENSES
(In percent)

Characteristic	Age Group 16-17	 18-20	 21-24
Gun used	45	51	57
Residential or commercial premises	22	39	44
Major injury to victim	8	10	11
Single perpetrator	23	34	27
Multiple victims	28	20	26
Prior victim/offender relationship	5		

present in the arrest charge, we call the offense an aggravated robbery. Juveniles arrested for aggravated robberies are 50 percent more likely to be incarcerated, and more than twice as likely to serve state time, than juveniles arrested for nonaggravated robberies.

Prior record is the other characteristic of the defendants in our sample that we expect to affect disposition patterns. Only 21 percent of the juvenile robbery sample had no prior arrests; 55 percent had more than 2 priors, and 27 percent had more than 5. Also, 41 percent had at least one prior for a violent crime.

The presence of a violent prior did not seem to affect the severity of outcome in our sample of juvenile cases, but the number of priors did. In nonaggravated cases, juveniles with five or more priors were twice as likely to end up in a state facility (36 percent of those arrested) as those with less than five. In aggravated cases, the presence of five or more priors increased the likelihood of state commitment by one-third.

Figure 4.1 shows the combined effects of offense seriousness and prior juvenile record. That figure reveals that the more serious cases are more likely to survive at each step in the process and receive considerably more severe sanctions. Among the most serious cases, there is no screening by probation and almost two-thirds of those who are convicted are committed to state facilities.[3]

In the Los Angeles juvenile residential burglary sample, the only way we can differentiate the seriousness of defendants is by their prior juvenile record; and here the effects are large. The results are shown in Fig. 4.2. About 25 percent of the sample had five or more prior arrests. As in the robbery sample shown in Fig. 4.1, they were more likely to be passed along at each step in the process. There was much less screening by probation and a much higher chance of conviction. About one-third of those who were convicted were given state time.

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[2] Includes commitments to county probation camps or CYA.

[3] In our sample of Los Angeles 16- and 17-year-old male armed robbers, 30 (15 percent) were remanded to the criminal court. For 13 of these cases we could find no record of disposition in the District Attorney's Office, indicating that the charges were never filed or were combined with some other offense. Out of the 17 cases for which we found disposition records, none resulted in a sentence to state prison.

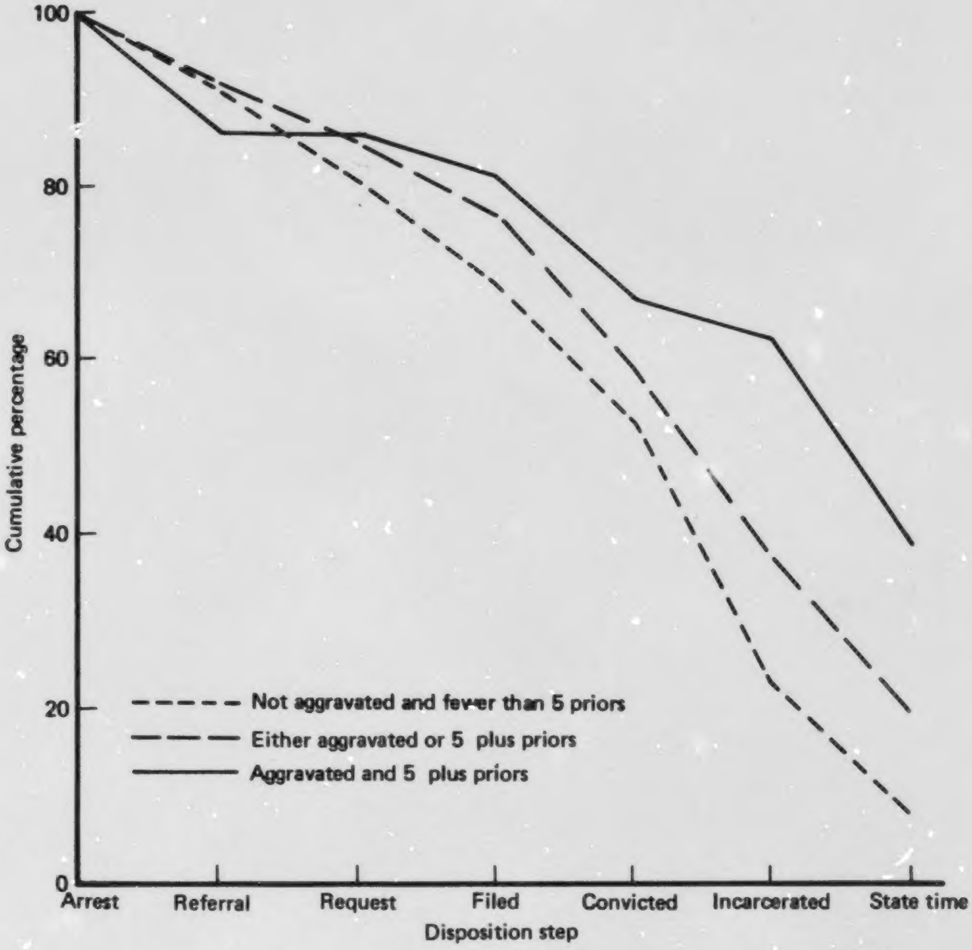


Fig. 4.1 -- Effect of offense seriousness and prior record on disposition: Los Angeles juvenile robbery sample

VARIATIONS IN DISPOSITION PATTERNS ACROSS SITES

Given the wide latitude afforded to juvenile justice practitioners in settling cases informally and in making placements, we should not be surprised to find considerable variations across sites in the way that

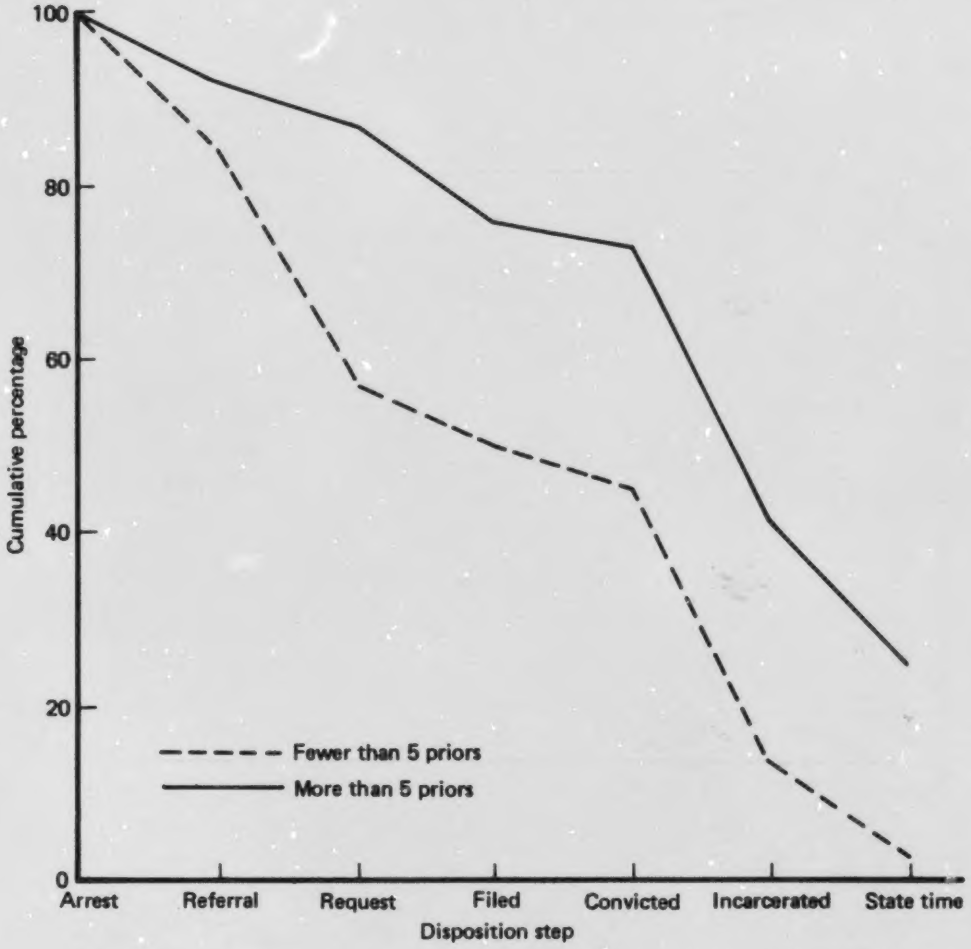


Fig. 4.2 -- Effect of prior record on disposition: Los Angeles juvenile burglary sample

similar cases are treated. Figures 4.3 and 4.4 compare the disposition patterns for juvenile armed robbery and residential burglary cases across our three sample sites--Los Angeles, Sacramento, and Oakland. (See Tables C.4 and C.5 for data.) Within each offense type, we have broken down the cases according to the severity factors developed from

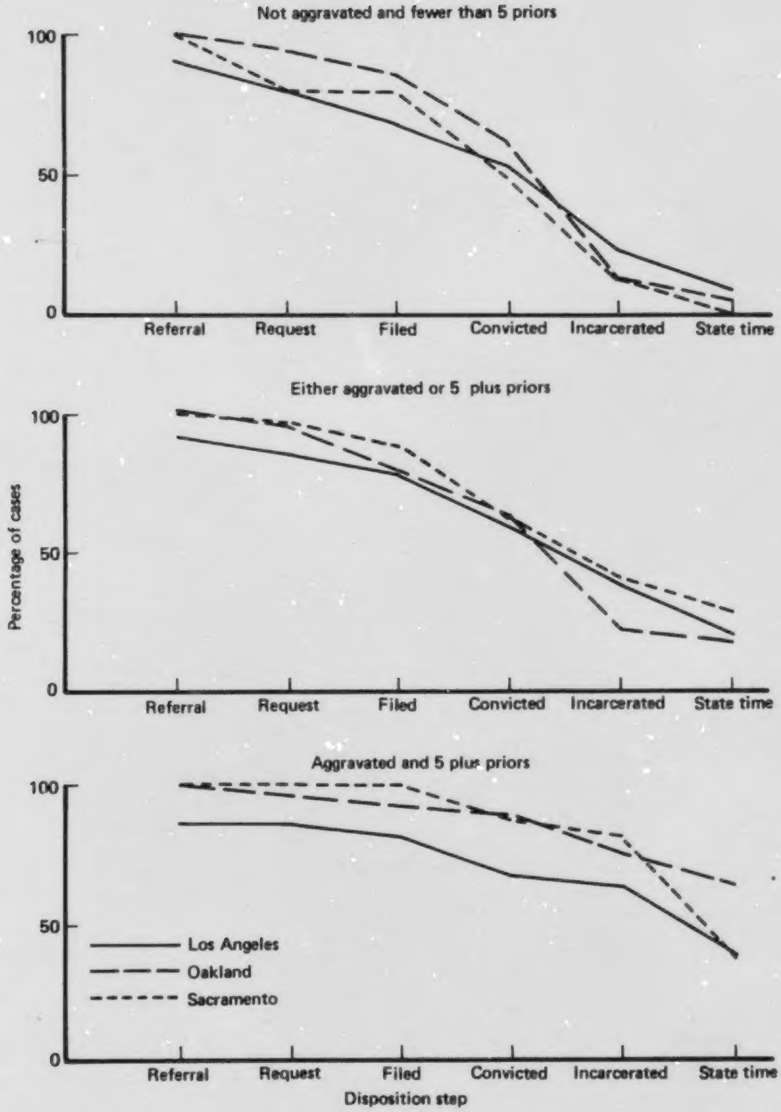


Fig. 4.3 -- Disposition of juvenile armed robbery arrests by offense and prior record severity

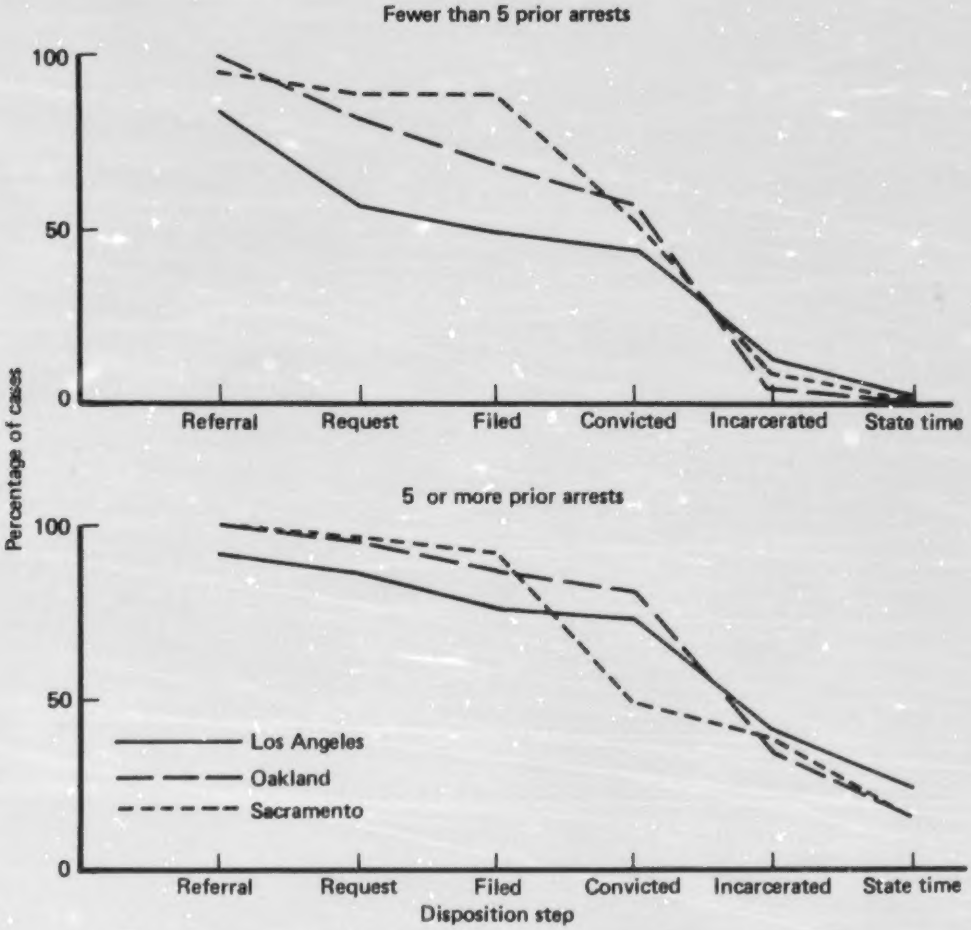


Fig. 4.4 -- Disposition of juvenile burglary arrests

the Los Angeles sample. Aggravated robberies refer to robberies of businesses or residences or robberies in which guns were used.

The first thing we notice from these figures is that the same basic patterns occur in all three sites: The more serious cases are less likely to be diverted or screened out prior to formal fact-finding, and they are more likely to result in incarceration or state time. The effects of either offense or prior record severity on sanction severity are large.

Focusing on Fig. 4.3, which deals with armed robbery arrests, we also see considerable variation across sites. The first notable difference is the distribution of offenders across the three seriousness categories within any one site. Sacramento has a much higher proportion (38 percent) in the most serious category than Los Angeles (19 percent) or Oakland (30 percent). This difference is primarily accounted for by the fact that the Sacramento juveniles in our sample are more likely to have lengthy juvenile records. Whether juvenile crime in Sacramento is more likely to be the work of recidivists or whether juvenile offenders in Sacramento are more likely to be arrested, we cannot say. We can note that in drawing the samples we observed that robberies by juveniles 16 and 17 years of age in Sacramento were more likely to involve some kind of weapon (63 percent) than they were in Los Angeles (50 percent) or Oakland (40 percent); and burglaries by juveniles in Sacramento were more likely to involve a residence (51 percent, compared with 42 percent in Los Angeles and 38 percent in Oakland).

Among the robbery cases, we also observe that there is less diversion or screening of cases prior to formal fact-finding, in Oakland or Sacramento, as compared with Los Angeles, in all three seriousness categories. Among the least serious cases, only 69 percent are filed in Los Angeles, but 86 percent in Oakland. Among the most serious group of cases, 92 percent were filed in Oakland but 81 percent in Los Angeles. Since conviction rates in all three sites are higher for the more serious cases, it would appear that many of the cases that drop out prior to fact-finding represent true diversion, in which the police, probation, or the prosecutor decides that the case should be settled informally, rather than a judgment that there is insufficient evidence.

The next thing we observe is that higher conviction rates do not necessarily lead to higher rates of incarceration; in fact the pattern of sentence severity across sites is quite mixed. In the least serious category, Los Angeles incarcerates about half of those convicted (23 percent of arrests) while Oakland incarcerates less than one-quarter of those convicted (12 percent of arrests). This suggests that the early diversions in Los Angeles are an attempt to weed out those cases which would only result in probation if they were filed and convicted.

The remarkably high conviction rates for the most serious cases in Sacramento and Oakland appear to indicate that it is easier for the prosecutor to prove guilt in the juvenile court than it would be in a regular criminal proceeding. Whether the higher conviction rates in Sacramento and Oakland represent better prepared cases or a court that is easier to convince of guilt, we cannot say. However, it would appear that the higher filing rate in these two sites is one consequence of the expectation of a high likelihood of conviction.

When it comes to sentencing, we have already observed that Los Angeles is more likely than the other two sites to incarcerate the less serious offenders. Among the juvenile robbers who are incarcerated, Oakland is more likely to commit them to the CYA than to some local facility. Of those in Oakland's most serious group who were convicted, 72 percent were committed to the CYA, whereas Los Angeles committed about two-thirds and Sacramento committed less than half. Among the least serious offenders who were incarcerated, Oakland committed two-thirds to the CYA, while Los Angeles committed only one-third.

Turning to the burglary cases in Fig. 4.4, we see many of the same patterns repeated that we observed for robbery cases. Sacramento again has a larger fraction of juveniles with five or more prior arrests. A smaller fraction of cases result in filed petitions in Los Angeles than in either Sacramento or Oakland; but notice that a greater fraction of filed cases in Los Angeles result in conviction. Although Los Angeles settles more cases informally, it still incarcerates a greater proportion of arrestees than the other two sites.

Which site is tougher on juvenile crime? There is no easy answer. Los Angeles appears to incarcerate a greater proportion of its less serious juvenile robbers and burglars, its higher rate of diversion notwithstanding. Oakland is tougher on the more serious robbers and burglars than the other two sites. Sacramento appears less inclined to commit its less serious offenders to the CYA.

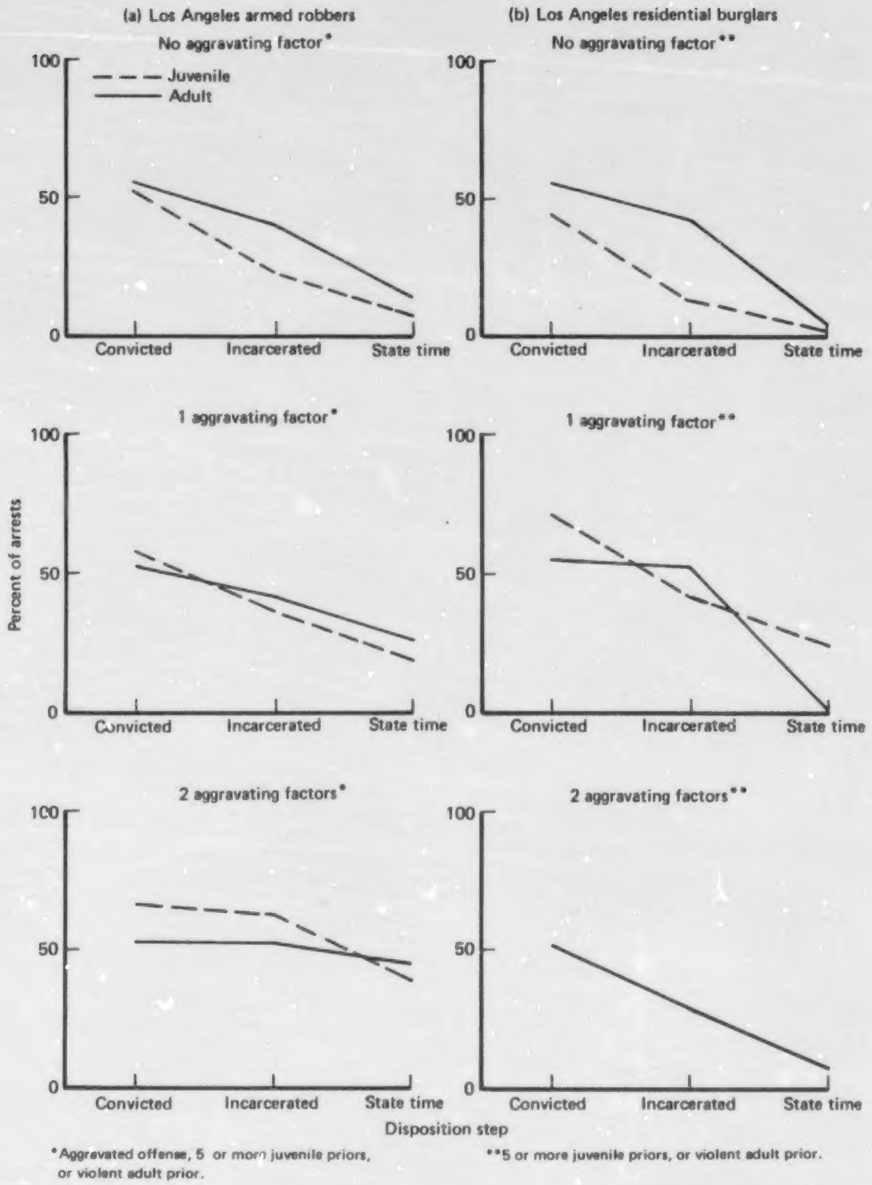
THE DISPOSITION OF JUVENILES AND YOUNG ADULTS COMPARED

One way of assessing the severity of juvenile disposition patterns is to compare them with the patterns for young adults--defendants between the ages of 18 and 21 who are only a few years older, but whose cases are processed through the criminal courts. Figure 4.5 attempts such a comparison for the Los Angeles armed robbery and residential burglary samples. (See Table C.6 for data.) These comparisons are complicated by the fact that young adult defendants may have experienced arrests and convictions as adults, which may affect the court's handling of their sampled offense, in addition to their prior record as juveniles. In fact, a cross-tabulation of adult dispositions by various measures of adult prior record shows that defendants with a prior adult arrest for a violent crime are treated more severely; the number of adult priors, on the other hand, has little effect. To account for this additional aggravating factor in our comparisons, we simply count the number of aggravating factors present for various subgroups. The possible combinations are as follows:

	Possible Aggravating Factors		
Subgroup	Aggravated Offense	5+ Juvenile Priors	Violent Adult Priors
Juvenile robbers (2)	X	X	
Adult robbers (3)	X	X	X
Juvenile burglars (1)		X	
Adult burglars (2)		X	X

The first difference we notice in the handling of juveniles and young adults is that the presence of aggravating factors affects the conviction rate for juveniles but not adults, particularly among burglars. This difference is most probably due to the extra discretion afforded the juvenile court to dispose of more cases informally, without resorting to formal sanctions, even though they meet the evidentiary requirements for prosecution.

The second difference we notice is that although sentences for young adults are generally more severe, the difference in severity is less among those cases with more aggravating factors. Among robbers or burglars with no aggravating factors, the probability of incarceration or serving state time for young adults is about double that for



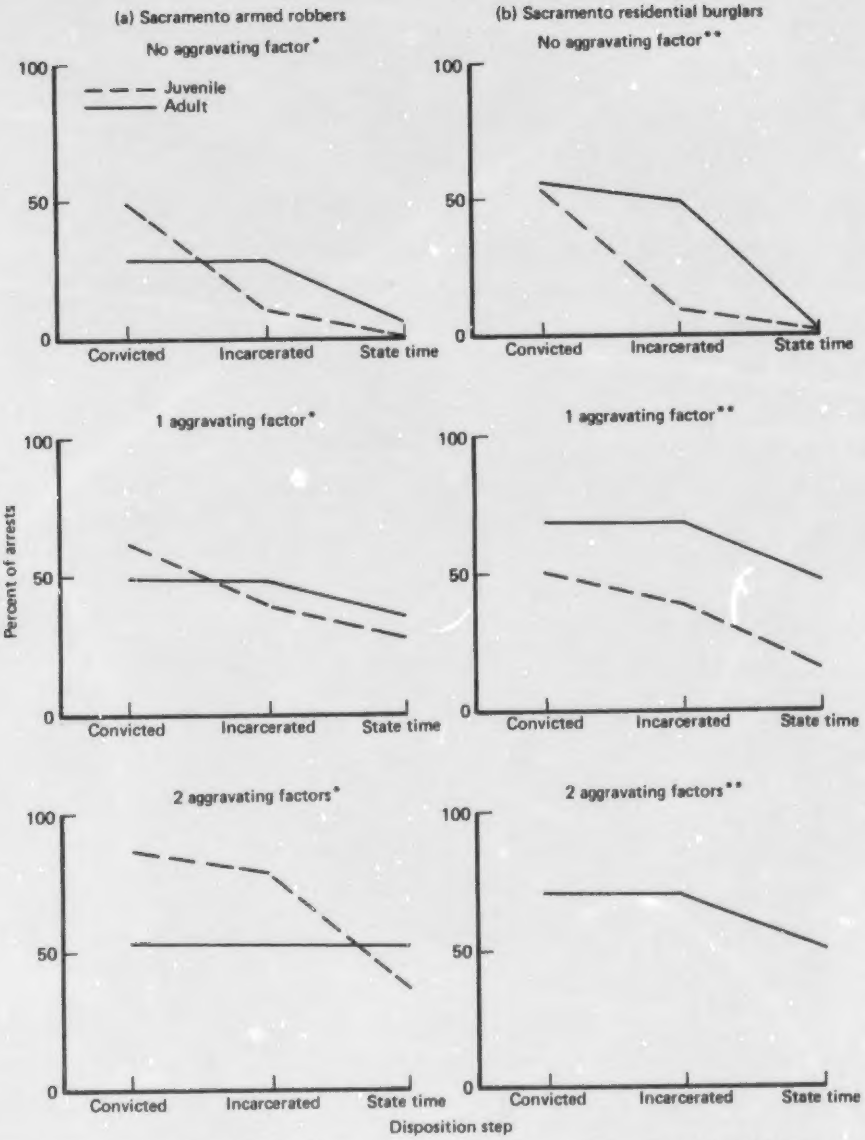
*Aggravated offense, 5 or more juvenile priors, or violent adult prior.

**5 or more juvenile priors, or violent adult prior.

Fig. 4.5 -- Disposition of juveniles versus young adults

juveniles. But among those with aggravating factors these probabilities are about the same. For burglars with lengthy prior records, the probability of serving state time is considerably higher for juveniles (25 percent) than for adults (between 2 and 7 percent). This severe handling of juvenile burglars with lengthy prior records may be due to several possible factors: the emphasis on rehabilitation for juveniles contrasted with the emphasis on punishment for adults; or the reluctance of criminal court judges to sentence young adults to prison if they are unacceptable to the CYA, possibly because of a prior commitment. The percentage of juveniles or young adults with 5 or more juvenile 602 arrests is exactly the same--24 percent.

Once we understand the difference in treatment of juveniles and young adults in one site, we might expect some of the same differences to appear in other sites, particularly if those differences were due to differences in the underlying philosophies of the two systems, rather than policy differences that are idiosyncratic to the two sites. A quick look at Figure 4.6, which compares the treatment of juveniles and adults in Sacramento, will show that most of the findings from Los Angeles do not pertain to Sacramento. (See Table C.7 for data.) Specifically, adult burglary conviction rates increase with prior record severity, as do juvenile robbery conviction rates, shooting down our theory that diversion, on the basis of prior record, is unique to the juvenile court. No category of Sacramento juveniles is treated as harshly as comparable adults. Among those arrested for burglary with five or more prior arrests, adults are almost twice as likely to be incarcerated and three times as likely to do state time, a complete reversal of the situation in Los Angeles. Every adult robber with five or more priors, or who participated in an aggravated robbery and who was convicted, was sentenced to state time. Only half of the convicted juvenile robbers with similar aggravating circumstances were incarcerated, and only one-quarter were sentenced to state time. The only relationships that appear to hold up across sites are that (1) sentence severity increases substantially with offense or prior record severity, and (2) lightweight juveniles are treated more leniently than lightweight adults.


(a) Sacramento armed robbers

(b) Sacramento residential burglars

No aggravating factor*

No aggravating factor**

1 aggravating factor*

1 aggravating factor**

2 aggravating factors*

2 aggravating factors**

*Aggravated offense, 5 or more juvenile priors, or violent adult prior.

**5 or more juvenile priors, or violent adult prior.

Fig. 4.6 -- Disposition of juveniles versus young adults, Sacramento

In summary, these comparisons of juvenile and adult sentencing practices suggest that juvenile and criminal courts in California are much more alike than statutory language would suggest, in the degree to which they focus on aggravating circumstances of the charged offense and the defendant's prior record in determining the degree of confinement that will be imposed. Although the percentage of arrested juveniles who are incarcerated is generally lower than similarly situated adults, some jurisdictions such as Los Angeles clearly follow sentencing practices that make serious juvenile offenders as likely to be incarcerated as equally serious adults.

Part II

THE DEVELOPMENT OF JUVENILE LAW AND INTERVENTION STRATEGIES IN A HISTORICAL CONTEXT

INTRODUCTION TO PART II

In Part I, we moved from a national overview of the juvenile crime patterns to a detailed examination of juvenile crime and arrest disposition patterns in California. In most of the analyses described in Part I, we refrained from imposing our judgment on the performance of the institutions, allowing readers to develop their own positions.

In Part II we widen the scope of our concern beyond California to review how juvenile law and juvenile justice institutions have developed over time, and how they have been viewed by their critics. This historical background is necessary to understand how the major reform trends in juvenile justice have developed. Chapter 5 describes the major developments in juvenile law and summarizes the arguments of its current critics. Chapter 6 tells of the search for effective treatment programs and describes several important program models that have contributed to the current debate about the value of treatment. In Part III, we will use the ideas developed in Part II to justify our reform agenda.

Chapter 5

THE EVOLUTION OF THE JUVENILE COURT AND ITS CONTEMPORARY CRITICS

The juvenile court was founded at the turn of the century as a specialized institution for dealing with dependent, neglected, and delinquent minors. In its brief history it has experienced everything from acclaim as one of the greatest social inventions of modern times to complete scorn and contempt by some of the same political factions who were in the vanguard of its early supporters. In recent years the juvenile court has shifted from informal fact-finding and discretionary paternalism to procedural formality and deliberately metered sanctions. The objective of this chapter is to outline the central precepts of the juvenile court as they have developed over time, and describe the major lines of criticism that have been leveled against the system.

THE DEVELOPMENT OF THE JUVENILE COURT[1]

At the turn of the century American cities were being flooded by poor immigrants from Europe, whose values, behavior, and childrearing practices were both alien and frightening to middle-class moralists. The juvenile court was a reaction to this problem, the outgrowth of pioneering efforts by social reformers such as Jane Addams in Chicago and Judge Ben Lindsey in Denver--a movement that was to be hailed by the distinguished jurist Roscoe Pound as "the greatest step forward in Anglo-American jurisprudence since the Magna Carta!"

The first juvenile court was founded in Chicago in 1899. Within a decade juvenile courts had been established in most of the states. The new court represented one aspect of a broad progressive movement to accommodate urban institutions to an increasingly industrial-immigrant population, and to incorporate recent discoveries in the behavioral, social, and medical sciences into the rearing of children (Schlossman). The juvenile court was also part of another philosophical movement that has been termed "the revolt against formalism." The new juvenile procedures reflected the ultimate pragmatic philosophy--"it's all right if it works."

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[1] Based on Empey (1978) and Schlossman (unpublished).

In juvenile court, children were not to be charged with specific crimes. The central language of the criminal law--accusation, proof, guilt, punishment--was dropped in favor of terms reflecting the social worker's vocabulary--needs, treatment, protection, guidance, etc. It did not matter whether a child came into the court because of neglect or an act of delinquency where almost any behavior not reflected in the utopian models of childhood could be labeled delinquent; the court's intervention, guidance, and supervision were presumed to be required and benevolent.

The roots of the juvenile court sprang from concepts of civil justice, not criminal, specifically the medieval English doctrine of *parens patriae,* which sanctioned the Crown to interrupt or supplant natural family relations whenever a child's welfare was threatened. The new theory, which has remained dominant for most of this century, rested on three postulates:

- Childhood is a period of dependency and risk in which supervision is essential for survival.
- The family is of primary importance in the supervision and training of children, but the state should play a primary role in the education of children and intervene forcefully whenever the family setting fails to provide adequate nurture, moral training, or supervision.
- When a child is at risk, a public official is the appropriate authority to decide what is in the child's best interest.

The seminal decision affirming *parens patriae* was *Ex parte* Crouse (Pennsylvania, 1838). Upon her mother's complaint, Mary Ann Crouse had been committed to the Philadelphia House of Refuge, a juvenile reformatory. Mr. Crouse filed a suit, claiming that his daughter's incarceration without jury trial was unconstitutional under the Sixth Amendment. The court unanimously rejected Mr. Crouse's claim, arguing that "by strict right, the business of education belongs to it [the state]." Parents only hold their right at the sufferance of the state, which can withdraw the right at any time, without restraint, for the child's welfare.

In the case of *Commonwealth v. Fisher* (Pennsylvania, 1905), Frank Fisher's father hired an attorney to challenge his son's incarceration in the Philadelphia House of Refuge without jury trial. In rejecting his claim, the appellate court ruled that a jury trial was unnecessary. Since the state's interest was presumed benevolent, the basic-fact situation that brought a child before the court was irrelevant.

THE OPERATION OF THE JUVENILE COURT[2]

Originally, four basic characteristics distinguished the juvenile court system from the criminal courts: informality in procedures and decorum; a separate detention center for juveniles; contributory delinquency statutes that encouraged the judge to punish adults, primarily parents, who actively contributed to the delinquency of juveniles; and probation.

Today these distinguishing features are considerably blurred. The informality is largely gone. The juvenile sits with his counsel like any adult defendant. Juvenile hearings or trials proceed along the same lines as criminal trials. The rules of evidence and rights of the parties are about the same, except that juveniles still do not have the right to a jury trial or to bail.

The separate detention centers remain. Separateness, in fact, is now the principal distinguishing characteristic of the juvenile system: separate detention, separate records, separate probation officers, separate judges, even separate funding agencies for research.

And finally, probation has seeped over to the adult court. The distinguishing feature about probation in the juvenile court is its role in screening arrests made by the police. Originally, the prosecutor had no role in a juvenile hearing. A delinquency case was completely handled by a probation officer. Then, as the appellate courts became more demanding about due process consideration in juvenile proceedings, the prosecutor was called in to the case. However, in most states probation still screens all juvenile arrests and decides in which ones the prosecutor should file a petition. Several states have now eliminated this function (Washington is one) and many prosecutors would like to see it discarded completely.

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[2] Based on Zimring (1982).

The principal features that distinguish current juvenile delinquency proceedings from adult criminal proceedings can be summarized as follows:

1. *Absence of legal guilt*. Legally, juveniles are not found guilty of crimes but are "found to be delinquent" because they have committed a crime. The difference is one of responsibility. The juvenile is not held legally responsible for his acts. Juvenile status, like insanity, is a defense against criminal responsibility. It is not an absolute defense because of the possibility of waiver to criminal court.
2. *Juveniles are treated rather than punished*. Whatever action the court takes following a finding of delinquency is done in the name of treatment or community protection, not punishment as is the case for adult felony offenders.
3. *Absence of public scrutiny*. Juvenile proceedings and records are generally closed to the public. What goes on in court is presumed to be only the business of the juvenile and his family--a position that clearly has its roots in the early child-saving mission of the court. Hearings for serious juvenile offenders are now being opened to the public.
4. *A juvenile's needs and amenability to treatment can be deduced from his social history, prior behavior, and clinical diagnosis*. This presumption is used to justify the wide discretionary powers granted to probation in screening petitions, the court in deciding fitness and making dispositions, and the CYA in deciding when a ward should be released.
5. *Juveniles do not require long-term incarceration*. Terms of confinement for juveniles are considerably shorter than those for adults.
6. *Separateness*. The juvenile system is kept separate from the adult criminal system at every point: from detention at arrest to the officials who handle the case in court, and in subsequent placements.

7. *Speed and flexibility.* Delinquency cases are disposed of more quickly than comparable adult criminal cases, and the juvenile court judge has a broader range of disposition alternatives.

LEGAL RESTRAINTS ON THE PUNISHMENT OF MINORS

The title of this subsection may represent something of a paradox for legal theorists. Punishment, they might claim, has no role in the juvenile justice system. The juvenile system may treat, help, protect, suitably place, or confine for diagnosis--but never punish, because juveniles are not criminals. On the other hand, legal realists would point out that confinement is the only serious form of punishment the Anglo-American system of justice has to offer (Sherman and Hawkins, 1981). Capital and corporal punishment are effectively outlawed, except for corporal punishment in schools. Most offenders are so poor that fines are irrelevant. Probation is really a threat of future punishment rather than any serious penalty for the current crime. Deprivation of liberty, incarceration, placement, institutionalization--call it what you will, confinement/punishment is the central issue in either juvenile or criminal proceedings. All other issues are a very distant second.

At its inception, the juvenile court had absolute authority to intervene in any way it saw fit on the flimsiest of facts. That is basically where things stood until 1967, when the Supreme Court rendered its decision in the seminal case of *In re Gault*. The majority opinion legislated a constitutional code of procedure for accused delinquents that included the right to counsel, notice, hearing, and other components of Anglo-American criminal procedure. The opinion, authored by Justice Fortas, contained the classic liberal critique of juvenile justice in the mid-1960s: that it provided neither the protection afforded to adults nor the solicitous care or regenerative treatment postulated for children. Justice Fortas did not view accused delinquents as miniature adults, nor did he foresee the juvenile court's becoming a lesser criminal court. Instead, as Zimring (1982) points out, he argued that we could have our cake and eat it too: that procedural rights would not inhibit the child-welfare mission of the juvenile court. He argued that due process by itself might be therapeutic.

A second leading case that followed shortly after Gault was *In re Winship,* in which the Supreme Court held that the constitution requires a state to prove delinquency beyond a reasonable doubt, the same standard used in adult criminal proceedings. Zimring argues that *Winship* flies in the face of the "having your cake and eating it too" argument expressed in *Gault.* Under a "beyond a reasonable doubt" standard, there will be many false negatives; that is, many kids in need of treatment would be found not guilty and therefore would not be treated by the juvenile court. Acquitting a large number of delinquents is not a high price to pay if we live in a world where convicting them is not in their own best interests. Clearly, the court in *Winship* was backing away from *parens patriae.*

In *McKeiver v. Pennsylvania,* decided in 1971, the Supreme Court denied accused delinquents a constitutional right to a jury trial (except when the juvenile court waives jurisdiction). Justice Blackmun held that a jury trial would remake juvenile procedure into a fully adversary process and would put an end to what had been the idealistic prospect for intimate, informal, protective proceedings. Until *McKeiver,* the court had been acting as if a delinquency hearing was basically the same as a criminal hearing and that the same procedural protections were required. But in *McKeiver* they clearly backed away. As Zimring argues, unless one views the right to jury trial as trivial, the strength of the analogy between criminal and juvenile proceedings would suggest a right to jury trial, particularly when the charges might lead to a long confinement.

In California, the appellate courts have limited the discretion of the juvenile system to punish or treat juveniles in two distinct ways. First, they have held that punishment or "deserts" cannot be the primary basis for commitment to the CYA. Second, the court has held that the period for which a minor is held for involuntary treatment may not exceed the length of time that an adult could be incarcerated for committing a similar crime. *In re Darryl T.*[3] involves a 17-year-old minor who was charged with various criminal offenses, including robbery, assault with a deadly weapon, and kidnapping. He was found guilty, declared a ward of the court, and committed to the CYA. At issue was whether the juvenile court judge used inappropriate criteria in committing Darryl T. to the CYA. The 2nd District Court of Appeal found that the only criterion used by the referee was the seriousness of the offenses. The referee made no effort to evaluate the appropriateness of other available dispositions. In reversing the disposition order, the court relied on *In re Michael R.*,[4] where it was said that a juvenile court cannot base its decision to commit a minor to the CYA on the nature or gravity of the offense: "The rejection of lesser remedies is to be supported by evidence on the record of their inappropriateness necessitating use of the California Youth Authority as a final treatment resource." Citing *In re Michael R.*, the court said that "Punitive commitment is contrary to the rehabilitative purposes of the juvenile court law."

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[3] A series of appellate decisions have held that juvenile commitments cannot be for punitive reasons. See *In re Darryl T.,* 81 Cal. App. 3d 874, 146 Cal. Rpts., 771 (1978); *In re Michael R.,* 73 Cal. App. 3d 327, 140 Cal. Rpts., 716 (1977).

The leading case limiting the length of juvenile confinements was *People v. Olivas*, in which the California Supreme Court held that a youthful offender committed to the CYA from criminal court could not be held in custody any longer than he would have served if he had been committed to state prison. Legislation and court decisions subsequent to *Olivas* have extended this principle to juvenile commitments in such a way as to include pretrial detention credit, good-time credits, and aggravating circumstances.

CURRENT DISSATISFACTIONS WITH THE JUVENILE SYSTEM

If there is one thing that the juvenile system does not lack, it is an abundant supply of critics. Conservative critics tend to focus on public safety. They fault the system for giving serious offenders too many breaks and too many chances on diversion or probation, for sending too many young adults to the CYA rather than prison, and for imposing terms of confinement that are too short. These critics tend to characterize juvenile facilities as country clubs and argue that some juveniles should be confined in more punitive settings. Usually, however, those who charge the juvenile system with failing to stem the tide of juvenile criminality do not mention that the adult system has done no better.

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[4] Ibid.

Liberal critics tend to be concerned with the problems of juveniles and protecting them from unwarranted interventions. They fault the system for being too tough. Where conservative critics use the evidence of "no rehabilitative effect" to argue for more explicitly punitive sanctions, liberals use the same evidence to argue for less intervention altogether. Liberals generally support the view that juveniles are only further criminalized by subjecting them to confinement, no matter how benign the treatment.

There is another liberal group, heavily represented by defense attorneys and other advocates for youths, who deplore the lack of adequate procedural protections for juveniles. This group argues that many kids are railroaded through the system without adequate protection of their rights.

Among practitioners, criticisms and suggestions for reform tend to reflect individual agency biases. In general, police and prosecutors want tougher sentencing; probation officials want to preserve some group of juveniles over whom they can exercise their traditional authority to focus on the "needs" of the child, such as through a third-tier court to handle the less serious delinquents; corrections officials want to have more of a say over whom they must accept, and how long they are to be kept, as a means of controlling institutional behavior.

Most practitioners believe strongly in their own competence and generally try to do what they believe is best in handling each case. However, in a system of sequential processing that starts out with the police looking for a dangerous robber and ends up with institutional personnel dealing with the same person as a troubled youth, most practitioners do not trust other agencies to do the "right" thing. Inevitably, when it comes to suggesting reforms, most practitioners would like to have ample discretion themselves and restrict the discretion of others.

These kinds of criticisms are far from new. The surprising thing is the apparent resiliency of the juvenile law to the consistent attacks of its critics. In the remainder of this chapter we summarize some of the recent critiques of the juvenile system that have been provided by individual scholars and advisory groups.

The President's Commission on Law Enforcement and Administration of Justice, established by Lyndon Johnson in 1965, was a milestone in criminal justice policy research. The efforts of the 19 commissioners, 63 staff members, 175 consultants, and hundreds of advisors produced the most comprehensive review of knowledge on criminal justice theories and practice that had ever been undertaken. The Commission's reports provide a point of departure for the vast body of research that has followed. The Commission's findings on juvenile delinquency and the juvenile court are contained in a separate task force report (1967a) and summarized in Chap. 3 of the Commission's summary report (1967b). They call for a substantial revision of the juvenile court's aspirations and practices.

The Commission's principal criticisms are leveled against the juvenile court's overreliance on the rhetoric of rehabilitation and its lack of procedural protections. In the latter case, its findings were consistent with those embodied in the Supreme Court's decision in *In re Gault* (1967), handed down during the Commission's deliberations, which required juvenile courts to adopt most of the procedural protections afforded adult defendants. In its assessment, the President's Commission (1967a, p. 7) found that

> the great hopes originally held for the juvenile court have not been fulfilled. It has not succeeded significantly in rehabilitating delinquent youth, in reducing or even stemming the tide of juvenile criminality, or in bringing justice and compassion to the child offender. To say that the juvenile courts have failed to achieve their goals is to say no more than what is true of criminal courts in the United States. But failure is more striking when hopes are highest.

The Commission cited several reasons for that failure. One was a lack of adequate resources--"the community's unwillingness to provide the resources--the people and facilities and concern necessary to permit them to realize their potential and prevent them from taking on some of the undesirable features typical of lower criminal courts in this country" (1967a, p. 7). But the Commission did not believe that additional resources alone could solve the problem. "The failure of the juvenile court to fulfill its rehabilitative promise stems in important measure from a grossly overoptimistic view of what is known about the phenomenon of juvenile criminality and of what even a fully equipped juvenile court could do about it" (1967a, p. 8). The Commission also found (p. 8) that

> Limitations, both in theory and in execution, of strictly rehabilitative treatment methods, combined with public anxiety over the seemingly irresistible rise in juvenile criminality, have produced a rupture between the theory and practice of juvenile court dispositions. While statutes, judges, and commentators still talk the language of compassion, help, and treatment, it has become clear that in fact the same purposes that characterize the use of the criminal law for adult offenders--retribution, condemnation, deterrence, incapacitation--are involved in the disposition of juvenile offenders too. . . . The difficulty is not that this compromise with the rehabilitative idea has occurred, but that it has not been acknowledged.

The Commission went on to suggest (p. 8) that

> As trying as are the problems of the juvenile courts, the problems of the criminal courts, particularly those of the lower courts, which would fall heir to much of the juvenile court jurisdiction, are even graver; and the ideal of separate treatment of children is still worth pursuing. What is required is rather a revised philosophy of the juvenile court based on the recognition that in the past our reach has exceeded our grasp. . . . Rehabilitating offenders through individualized handling is one way of providing protection, and appropriately the primary way in dealing with children. But the guiding consideration for a court of law that deals with threatening conduct is nonetheless protection of the community. The juvenile court, like other courts, is therefore obliged to employ all the means at hand, not excluding incapacitation, for achieving that protection.

In most states, including California, those words ring almost as true today as when they were written more than 15 years ago. More recent scholarly criticisms of the juvenile court (Silberman, 1978; Empey, 1978; Twentieth Century Fund, 1978) continue in the same vein, aided by the voluminous research efforts supported by LEAA, which further document the deficiencies and limited effectiveness of the court in pursuing its rehabilitative goals.

Until quite recently, juvenile court reform has been almost exclusively the concern of service providers and those concerned with rehabilitation, while criminal court reform has been the focus of those concerned with crime control and public safety. Therefore, it is not surprising that most of the recent juvenile court reforms have reflected the concerns of this treatment-oriented constituency. A variety of juvenile justice interest groups have lobbied to ensure that the juvenile justice system has its own federal funding source (OJJDP) within LEAA, and that those funds are devoted almost exclusively to pursuing such liberal issues as diversion, deinstitutionalization, removal of juveniles from adult prisons and jails, and the elimination of secure confinement for status offenders. For example, the 24 volumes produced by the Juvenile Justice Standards Project, a joint effort by the Institute of Judicial Administration and The American Bar Association (1977), has been characterized as ". . . preoccupied with safeguarding the young (and to a lesser extent their families) from the unwarranted exercise of coercive state intervention" (Zimring, 1978). The Standards advocate that juvenile court judges be required to select the "least restrictive alternative" for a particular minor and recommend a range of sentences based on just deserts in which the maximum period of confinement is two years (for first-degree murder).

Although the Crime Commission had expressed concern about the way in which serious juvenile offenders were being treated, the serious repetitive juvenile offender did not become an issue for political or media concern until about 1975. The new concern was prompted in part by the rising tide of juvenile violence, new research findings on the characteristics of juvenile criminal careers (e.g., Wolfgang et al., 1972), and the growing interest of prosecutors in juvenile proceedings.

In the past 15 years the role of the prosecutor has shifted from one of advising probation officers in the preparation of petitions to full responsibility for preparing petitions and arguing the People's case before the juvenile court. This increasing role for the prosecutor was brought about in part by the increase in procedural formality required by *Gault*. The state of Washington has gone the farthest in revising its juvenile code: There is no more prescreening of cases by probation before the prosecutor receives them. Other Washington reforms include removing the veil of secrecy from juvenile proceedings and shifting to a form of determinate sentencing for juveniles based on a just deserts model. The Washington juvenile code reforms were authored and promoted principally by the King County prosecutor.

In recent years, then, the juvenile court system has been an easy target for critics. Almost all of its basic premises have been undermined by a growing body of social science research. The widening gap between the rehabilitation rhetoric of most juvenile laws and the punitive realities of their everyday application provides ample room for argument for both cynics and legal realists. Finally, the complexities of the juvenile law, and the conflicts inherent in its objectives, enable critics of both the left and the right to challenge its wisdom from narrow crime-control or youth-advocacy standpoints.

THE DILEMMAS OF THE REHABILITATIVE IDEAL

No one concept is more central to the philosophy and organization of the juvenile court than the rehabilitative ideal; no one concept has been so abused in practice; and no one concept has been so thoroughly challenged by social science research. Therefore a reconceptualization of the rehabilitative ideal and a realistic appreciation of what it can accomplish, including how it can be subverted to serve other ends, is a necessary first step in considering any juvenile justice reforms.

The Central Role of Rehabilitation in the Juvenile Court

The promise of the rehabilitative ideal was the founding premise of the juvenile court. The original focus of the court on the "needs" of the juvenile, rather than the specifics of his or her criminal conduct, was based on the supposition that delinquency was a status to be remedied, not an act to be punished. Since the juvenile was to be "helped," juvenile hearings were designed to be informal inquiries into all of the areas that might be contributing to a juvenile's delinquent behavior. In selecting a disposition, the juvenile court was supposed to act like a wise and benign parent, selecting the setting where the juvenile's, and by assumption society's, best interests would be served. Juvenile institutions were not to be considered jails or prisons but foster homes and training schools.

Although these concepts may sound a bit dated in light of the more serious forms of criminal behavior that the juvenile court currently must deal with, they still may be found scattered throughout the language of the current law and the practice of many institutions: the screening of arrests by probation officers, prior to requesting petitions; the basis for waiver to criminal court or commitment to the CYA; the basis for excluding wards by the CYA or determining the length of their commitment. The CYA institution that handles the oldest and most serious wards is still called the Preston School of Industry. Its cinderbrick buildings that house the wards in tight security under constant surveillance are still called "cottages." The primary purpose of either a county camp or CYA commitment is still supposed to be rehabilitation. Although the Youthful Offender Parole Board and most county camp administrators have established commitment length guidelines that are based on the severity of the commitment offense and prior record, the degree to which a juvenile cooperates with and fulfills the expectations of the treatment staff still can exert a decisive influence on when he gets out.

As late as 1967 the President's Crime Commission continued to hold the rehabilitative ideal in high regard. In particular it advocated greater use of community corrections, lower probation and parole caseloads, the development of new methods and skills for reintegrating offenders into society, classification and treatment of offenders according to their needs and problems, upgrading of educational and vocational training programs within institutions, the development of modern correctional industries, greater use of graduated release and furlough programs accompanied by guidance and community treatment services, the use of improved diagnostic and screening resources, and the enlistment of universities and colleges in developing improved programs. Although the Commission was not able to muster much scientific evidence in support of these recommendations, its hopes were high, based on the opinions of its expert consultants and the accumulated wisdom of the best practitioners.

The Ideal Debunked

Within ten years after the Crime Commission's report (1967), the conventional wisdom concerning rehabilitation had shifted from optimistic faith in the value of community-based, individualized treatment to a common despair that "nothing works." The Crime Commission report had put an official stamp of approval on a number of theories that had been proposed by criminologists to explain delinquency, each of which suggested a variety of intervention strategies. The report also came at a time in American politics when it appeared that there would be a massive new infusion of federal money to alleviate the problems of the urban poor--the dawn of President Johnson's Great Society. What the Crime Commission report had failed to acknowledge was the fact that many of the intervention strategies it suggested had already been tried in one form or another with no clear evidence of consistent success (Glaser, 1969).

The rehabilitation tide changed dramatically with the publication of a report by Lipton, Martinson, and Wilks (1975) and an article in *The Public Interest* by Martinson (1974). These authors had collected and analyzed hundreds of evaluations of rehabilitation programs, and concluded that there was no evidence that any one particular mode of treatment, including no treatment at all, consistently reduced the likelihood of recidivism for any one particular type of offender. However, these authors also pointed out that most of the evaluations were so methodologically inadequate that no conclusions about the effectiveness of the programs they purported to evaluate could be drawn.

The "nothing works" conclusion was readily accepted by most of the research and policy community;[5] but defenders of the rehabilitative ideal continued to argue that many of the programs evaluated by Lipton, Martinson, and Wilks (1975) had been inadequately implemented or that the authors overlooked many of the newer promising programs. These critics also argued that the authors had ignored evidence that some programs might work somewhat, for some types of offenders, sometimes

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[5] These findings came at about the same time that researchers in other fields were concluding that special programs in education and job training also did not work in achieving their intended purpose of improving classroom achievement or employment potential.

(Palmer, 1978). More recently, two evaluations by panels assembled by the National Academy of Sciences, which reanalyzed the Martinson data along with a number of later evaluations, concluded that evidence to support the effectiveness of rehabilitative programs is lacking (Sechrest, White, and Brown, 1979; Martin, Sechrest, and Redner, 1981).

Rehabilitation as a Cover for Other Objectives

Just as there is a wide variety of models for raising or educating children, which range from strict discipline and junior military academies to the permissive styles found in open classrooms or the Summerhill model, so there is a wide variety of models for treating delinquents. To the impartial layperson they all make some sense. A strict environment that forbids smoking, requires silence at many times of the day, restricts reading matter, and requires compliance with a detailed set of institutional rules and procedures can be justified by a belief that delinquents must learn to obey rules. Almost any type of menial labor can be justified by a belief that juveniles must learn to function in a work environment.

As Professor Francis Allen has pointed out, there is a tendency to define therapy as anything that therapists do (Allen, 1981, p. 48). Further,

> In one place or another solitary confinement has been called "constructive meditation" and a cell for such confinement has been called "the quiet room." Incarceration without any treatment is seen as "milieu therapy" and a detention facility is labeled "Cloud Nine." Disciplinary measures such as the use of cattle prods on inmates become "aversion therapy" and the playing of a powerful firehose on the backs of recalcitrant adolescents "hydrotherapy" (Allen, 1981, p. 51).

One problem with looking at juvenile institutions from the sole perspective of rehabilitation and ignoring their custodial and punitive aspects is that neither rehabilitation theories nor the expected results of treatment provide a strong enough basis for holding institutional administrators accountable. Since the form of treatment does not appear to affect recidivism rates, and almost any form of treatment can be rationalized by appealing to some psychological theory, there is a natural tendency for treatment programs to be coopted into the service of other institutional goals--notably, maintaining order and security. As Allen concludes:

> There is no more striking and persistent feature of the history of penal reforms than the tendency of innovations motivated by rehabilitative ends to lose their impetus and efficacy, often within the decade following their initiation. . . . These phenomena have proved to be so persistent and universal that serious consideration must be given to the possibility that they reflect something inherent in the rehabilitative enterprise (Allen, 1981, pp. 49-50).

Chapter 6

THE SEARCH FOR EFFECTIVE TREATMENT PROGRAMS

INTRODUCTION

As one consequence of the liberal, protectionist, reform agenda, there is general agreement that youths who do not need programs should be kept out of the system unless their conduct is serious enough to warrant supervision in the name of community protection. This restricted focus results in a smaller but more troublesome set of juveniles being committed to programs. (The set is growing, however. Recall from Chap. 3 that the percentage of CYA wards committed for violent offenses increased from 36 percent to 60 percent between 1972 and 1981.) Whether from a rehabilitation or a crime-control perspective, the Robert Johnsons described in Chap. 1 have to be dealt with. This hardcore delinquent group clearly requires some form of programmatic guidance and control, and motivates the search for more effective (or less harmful) intervention strategies. This group will contribute disproportionately to the population of adult career criminals unless we find better ways to curb their delinquent behavior.

This chapter describes some experimental programs that once were considered highly promising for rehabilitating juvenile delinquents. We use these case studies to illustrate the issues that any new program development effort must confront and to suggest an overall development strategy.

The programs to be described are: the California Community Treatment Program, a project conducted by the CYA under NIMH funding from about 1964 through 1970; the Silverlake Project, another community corrections experiment, run by Boys Republic in the later 1960s; the Massachusetts Deinstitutionalization DYS Project, which resulted from the closure of the Massachusetts training schools in the early 1970s; the research of Charles Murray and Louis Cox (1979) on the Unified Delinquency Intervention Services (UDIS) in Chicago, who claimed to show that particular kinds of intensive interventions do work as measured by their suppression of later criminal activities; and finally, VisionQuest, a privately operated rehabilitation program that contracts with public agencies for the care of delinquent youths. VisionQuest is controversial: Its advocates regard it as one of the most promising programs in the field today, while its critics contend that it is a costly program that violates accepted standards of care. Because of the controversy, and because it now operates in California, we have chosen to describe its activities in more detail than we devote to the other programs.

THE CALIFORNIA COMMUNITY TREATMENT PROJECT[1]

The California Community Treatment project (CTP) operated as a special parole unit within the CYA. It was designed as a combined experimental and demonstration project to determine the impact of substituting an intensive program in the community in lieu of the traditional programs conducted by the CYA. In addition to community treatment, CTP also involved a test of the I-Level system of classification, based on the belief that each youngster can be classified into a specific type that would not only designate his interpersonal maturity level (I-Level) but would also suggest the goals, techniques, and programs that should be applied to the youngster. The project was launched in 1961 with an experimental research design that randomly allocated eligible youths to an experimental or traditional correctional program after they had spent an average of four weeks in a reception center. Control youths spent an average of eight months in an institution, while the experimentals were released to community placements.

The President's Commission on Law Enforcement and the Administration of Justice (1967) and the National Commission on the Causes and Prevention of Violence (1969) both touted community corrections in lieu of incarceration, partially on the basis of the CTP evidence. By the time these two national reports were written, CTP had been evaluated as highly effective in reducing recidivism rates and both practical and acceptable to local community agencies. These favorable evaluations were backed up by the claim that these results had been achieved at a cost per capita that was much lower than traditional CYA programs of institutionalization and regular parole. By explicitly recommending it as a community treatment prototype, these commission reports added both prestige and significance to CTP. They were both to be proven wrong.

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[1] This description is based primarily on Lerman (1975).

The CTP design involved a pool of eligible youths committed to the CYA from the juvenile courts covering the greater urban area of Sacramento and Stockton. Upon selection for CTP, wards were to proceed through the following three stages of treatment:

- Stage A was to last about eight months after release from the reception center, and was to involve intensive contact with a parole agent. Intensive contact was defined as including from two to five agent-ward contacts per week as well as full-day or partial-day time-programming for the youths. This stage was meant to approximate the average length of institutional stay for *control wards,* those youngsters who were eligible for CTP but who had been randomly allocated to receive traditional CYA institutional programming.
- Stage B was a planned transitional period to help the ward work through any difficulties arising from a decrease in the amount of support and supervision from his or her parole agent. Agent-ward contacts were expected to average about one per week.
- Stage C was expected to be a minimum supervision period in which treatment of experimental cases would compare with treatment accorded to regular parolees in the Youth Authority. Therefore, contacts would average only about one per month.

The typology used to assign wards to specific treatment programs in the CTP was called *the interpersonal maturity level classification.* Under this system, the classification of delinquent youths is made in two steps. The youths are first diagnosed and classified according to level of perceptual differentiation or degree of complexity in their views of themselves and others. In the second step, youths within each I-Level are further diagnosed according to response set or way of responding to their perception of the world. This scale differentiates nine delinquent subtypes. For instance, wards in I-Level 2 are described as unsocialized, with a disorganized personality and having low levels of frustration or tolerance. Two subtypes within I-Level 2 are (a) the asocial aggressive, who responds with active demands or open hostility when frustrated, and (b) the asocial passive, who responds with complaining, whining, or withdrawal when frustrated. I-Level 3 wards are described as beginning to recognize that their behavior affects others, but they are satisfied with their own way of life. The three subtypes within I-level 3 are (a) the immature conformist, who responds with strong compliance to a person who he thinks has the power at the moment, (b) the culture conformist, who responds with conformity to delinquent peers or specific reference groups, and (c) the manipulator, who frequently attempts to undermine or circumvent authority and usurp power to himself or herself.

There were changes in the initial design as soon as CTP became operational. Under the original proposal, youths who had been declared eligible for the project would be randomly assigned to either the experimental or control program, with 50 percent of the eligibles ending up in CTP. However, after 22 months of operation, less than a quarter of the eligibles had been assigned to CTP. The reasons given for the slow buildup of cases in the CTP Progress reports were: (1) higher than expected staff turnover, (2) a need for longer than expected treatment in the community for CTP wards, and (3) the fact that experimental cases whose parole had been revoked were returned to the project, thereby lowering the total case turnover. Although later efforts were able to build up the number of youths in the experimental program, CTP was never able to achieve the completely random assignment that the design required--a problem encountered in many field experiments of this type.

The staging of program services for experimental wards also differed from the original project design. As of March 31, 1966, 139 youths were in Stage A of the program, 11 were in Stage B, and only 6 in Stage C. This skewed distribution shows that most CTP youths were being provided intensive services until they were discharged as CYA wards--in other words, for 2-1/2 to 3 years rather than the eight months originally contemplated. This shift in policy had dramatically increased the costs of the program.

Another change from the original plan was the frequent use of detention for experimental wards. Original planning allowed for the fact that *some wards,* on occasion, would have to be placed under restraint as a control measure. In practice, CTP found that "The use of detention has emerged as an important intervention strategy useful under a variety of circumstances" (Grant and Warren, 1962). By 1968, 89 percent of all experimentals had experienced temporary detention at least once as CTP wards The evidence indicates that the CTP parole agents arrested and detained youths for noncriminal offenses more often than did regular parole agents. The occasional weekend lockup, as envisioned in the original treatment design, had grown to 2.8 suspensions per youth, averaging 20 days' duration, with 1.75 suspensions per youth attributable to either juvenile status offenses or technical parole violations.

Community treatment advocates had argued that community treatment would be a more effective method of reducing recidivism than institutional programs, and CTP research reports claimed to prove that this was so. Up until Research Report No. 9 was published in 1968, CTP researchers had emphasized comparisons of official parole revocations between experimentals and controls as a method of measuring the impact of CTP on future criminality. These comparisons showed that the experimentals were less likely to be revoked. However, Lerman (1975), in his reanalysis of this data, found that there were no actual differences in reported behavior between experimentals and controls. Rather, the data showed that CTP parole agents were more successful than regular parole agents in getting the Parole Board to release their experimental wards to the community, rather than remanding them to institutions.

Another major argument advanced in favor of CTP, in comparison with the regular CYA program, was that community treatment programs were to be less costly than institutional programs. In fiscal 1964-65, for example, the per capita cost for treating CTP wards was estimated by the CTP staff at $178 per month, compared with $375 per month for institutionally placed wards.

But the fact that most wards were kept on intensive treatment for several years greatly increased the cost. For successful control wards, meaning those whose parole was not revoked, their total career cost in the program was actually about $4000. This includes eight months in an institution, a four-month transition period, and 24 months on regular parole. According to the proposed CTP designs, the career cost of a successful experimental ward at CTP was to have been about $2300. This would include eight months of the intensive treatment period, four months of the transitional period, and 24 months on regular parole. However, with the continued use of intensive programming and supervision, the actual career cost of CTP wards was about $6400--50 percent greater than that of institutionalized wards.

In summary, CTP represents one of the most ambitious attempts to rigorously develop, apply, and test a theoretically based rehabilitation model. Yet despite the good intentions of the program staff, CTP practices differed considerably from the original program design. Although the modifications to the original plan may not have been motivated by a desire to improve the direct means that staff would have for controlling ward behavior, they were certainly consistent with that aim.

THE SILVERLAKE EXPERIMENT[2]

The Silverlake experiment, conducted by a private treatment facility in Los Angeles County in the late 1960s, is another classic example of the theory-based approach to rehabilitation program development. It also involved a test of the community treatment concept and, like CTP, it came up with negative results.

The experiment involved a cooperative venture between an experienced correctional services provider (Boys Republic) and capable researchers (Youth Studies Center of the University of Southern California). The researchers participated in the design of the new program model and designed the field experiment in which it was to be tested. The field experiment was conducted as planned, with complete documentation of all aspects provided by the resident evaluation team.

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[2] Based on Empey and Lubeck (1971).

The final evaluation shows no differences in outcome between the experimental and control subjects.

Boys Republic was a private institution for handling delinquent youths committed by the juvenile courts. Prior to the Silverlake experiment, Boys Republic had concentrated its efforts on the operation of a traditional institutional program guided by the assumption that delinquents are immature, impulsive, and lacking in adequate control. Their program emphasized citizenship, education, work, and discipline. The regular program activities consisted of a high school, vocational training, a boy government, and the operation of a dairy farm.

In the design of the Silverlake experiment, the development of knowledge was a first priority. The two sponsoring agencies agreed that whatever experimental model was developed, it must incorporate improvements or extensions to the theoretical base on which the model was based. The delinquency theory upon which the Silverlake experiment was based assumed that delinquent behavior is not a secret or private deviation from accepted norms, but rather a deviant norm engaged in openly within a particular peer group. The intervention strategy adopted by Silverlake involved the establishment of organizational mechanisms and a social climate that would encourage and support the reformation process.

The experimental Silverlake program consisted of a community/group home that housed about 20 boys at any one time. The boys participated in schooling in the community and daily group meetings based on Guided Group Interaction within their living unit. The controls for the experiment were boys placed in the regular institutional program.

The reported evaluation results of the Silverlake experiment cover 140 experimental and 121 control boys treated over a 2-1/2-year period. They are not encouraging. Experimental boys ran away from the experimental program (37 percent) almost as frequently as did controls (39 percent). The recidivism rates for the two groups were also similar: 40 percent for experimentals and 44 percent for controls. Detailed analyses failed to confirm many of the basic hypotheses on which the treatment model was based. Specifically, neither social class nor level of academic achievement was found to be related to the degree of identification with delinquent peers.

DEINSTITUTIONALIZATION OF JUVENILES IN MASSACHUSETTS[3]

A series of crises in the Youth Correctional Services in Massachusetts was followed in 1969 by the resignation of the long-time director, who had strongly supported the use of traditional training schools. A newly elected governor, who expressed strong support for reforming youth services in the state, appointed Dr. Jerome Miller as the new Commissioner of DYS with a mandate for reform.

During his first two years, Miller worked to create a more humane and therapeutic climate within the existing institutions. However, even his modest reforms, such as the abolition of corporal punishment, raised strong protests from the old-line staff, who resented any reduction in what had been their absolute control. Miller's reform attempts were the target of at least two legislative investigations in those two years.

In the spring of 1971, Miller and his newly formed planning unit released a reform plan that focused on decentralized community-based treatment centers, involving both residential and nonresidential services. This plan met strong opposition by the adherents of the old philosophy, many of whom were close to influential legislators and community leaders in the small towns that housed the old training schools. Miller's response to this resistance was to close the old training schools by executive fiat, forcing the system to establish a network of decentralizing community-based services.

Miller's involvement in the Massachusetts reforms came to an abrupt end in January 1973, when he resigned to become the new director of Family and Children Services in the State of Illinois. Miller's successors then attempted to maintain and improve the services that he put into place, with mixed results. The most recent evidence indicates that the method of handling services for serious juvenile offenders is moving back toward the more traditional system (Miller and Ohlin, 1981).

The Massachusetts experience is described and evaluated in a series of books by the Center for Criminal Justice at the Harvard Law School.[4]

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[3] This information derives from Coates, Miller, and Ohlin (1978).

[4] See *Massachusetts Youth Correction Reforms Series*.

One of these books (Coates, Miller, and Ohlin, 1978) ends with the following summary:

> The radical step of closing training schools in Massachusetts has shaken the very roots of the youth corrections field. Deinstitutionalization has become an accepted objective in many states, although where such policies are being implemented administrators are generally trying to avoid some of the more disruptive tactics used in Massachusetts. . . . While they were certainly not entirely successful, the reform efforts in Massachusetts have given us cause to rethink our basic approaches to juvenile corrections. The analysis presented here has shown that the move toward establishing programs in community settings is a move in the right direction (p. 198).

Two of the principal criteria that the authors use as indicators of the experiment's success are that (1) there was no widespread community outcry against the program, nor was there (2) an obvious juvenile crime wave--rather weak outcome measures at best. The authors can also claim that the program was more effective in that, by their judgment, the treatment offered the juveniles by DYS in the community was in some measure more humane than that offered in institutions. However, on most other measures the experiment did not succeed. The runaway rate ran about 25 percent both before and after deinstitutionalization, nor did recidivism rates change. In fact, recidivism increased in the years following the DYS reforms. The Harvard evaluators point out that this increase might be due to a change in the type of juveniles who came into the project. Although community treatment resulted in some short-term improvements in the attitudes of the juveniles exposed, these improvements tended to wash out within a year after exposure to the program.

In summary, the Massachusetts experiment with deinstitutionalization will not appear to everyone as a clear-cut success. In fact, even when it comes to implementation, a later article by these same evaluators (Miller and Ohlin, 1981) shows that the system seems to be moving back now toward the more traditional training school, partly because of community resistance to placing more offenders in the community.

UDIS--UNIFIED DELINQUENCY INTERVENTION SERVICES

UDIS is a program functioning in Cook County, Illinois. It was originally funded by the Illinois Law Enforcement Commission. The program began on October 1, 1974, and represented an attempt by the State of Illinois to see if deinstitutionalization could be extended to the chronic serious defendant.[5]

UDIS had several guiding principles. It was designed to encourage deinstitutionalization of the serious chronic delinquent. It was also to help unify resources in Cook County and to improve the effectiveness with which they were brought to bear on cases coming before the Cook County juvenile court. It operated on the least-drastic-alternative principle as the basis for placing youths. It involved short-term services in which youths were expected to complete the program in six months or less. Another key principle involved individualized programming: a diagnostic workup and a special program for each delinquent assigned to the program. A juvenile offender was considered eligible for UDIS if he had been adjudicated delinquent on two occasions or if he had committed a serious offense. UDIS offenders were to be those who would otherwise be sent to the Illinois Department of Corrections.

Once a youngster had been identified as a potential UDIS candidate, his case was screened by a probation officer. If the probation officer recommended him for UDIS, and the court agreed, he was referred to UDIS for a two-week assessment. During that time a psychologist or social worker, under contract to UDIS, interviewed the youth and prepared an assessment report. If the youth was found appropriate for UDIS, a performance contract was prepared stating what the youth agreed to. Once the judge and the youth's family accepted the program, he was then committed to UDIS.

The programs that were available within the community included advocacy, alternative education, family therapy, vocational training, wilderness programs, group homes, and psychiatric services. All these services were provided under service contracts to UDIS. Most UDIS clients received services from more than one vendor. While the youth was in the program, he was technically on probation. UDIS case managers were not direct service providers, but instead performed a number of coordinating functions.

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[5] Information on UDIS comes from the book by Charles A. Murray and Louis A. Cox, Jr., entitled *Beyond Probation*, Sage Publication, 1979.

UDIS has recently been the subject of considerable national attention, not only for the novelty of its methods, but also because of the apparent success of some of its programs in reducing subsequent delinquency. Its degree of success is a subject of considerable controversy, however.

The traditional measure of success in such programs is the recidivism rate. Whether failure is measured by rearrest, reconviction, or recommitment, the recidivism rate is the percentage of a sample that failed (recidivated) within a specified time period after release--typically one or two years. When evaluators say that an experimental program had no effect, or did not work, they mean that the recidivism rate for the experimental group was not significantly lower than that for a control group--normally, a comparable group of subjects who receive traditional treatment programs.

Murray and Cox (1979) focused attention on UDIS by measuring program outcomes not by a simple recidivism rate, but by measuring changes in the rate at which subjects were arrested. Their measure, called the "suppression effect," is computed by dividing the difference between the postintervention and preintervention arrest rates by the preintervention rate. Murray and Cox found that traditional institutional programs reduced the rate of delinquency by about two-thirds, while community programs reduced the rate somewhat less.

The arguments are over what the suppression effects represent. Do they represent a true effect of the intervention or do they simply represent the passage of time and maturation of the subjects? Are they a statistical artifact (called regression to the mean) caused by the fact that delinquents are more likely to be arrested and confined during peak periods of delinquency? The arguments go on. If the suppression effect is real, then many programs judged to be failures will have to be reevaluated. For instance, the Silverlake experimental and control programs resulted in suppression effects of 73 percent and 71 percent, respectively; therefore, by the Murray and Cox test they both had strong effects but neither was significantly superior. But if the suppression effect is real, why is the superior effectiveness of particular programs not reflected in traditional measures of recidivism?

The validity of the suppression effect as a measure of program success is likely to remain controversial. If alleged treatment effects cannot be detected by traditional recidivism measures, comparing matched experimental and control samples, then the meaning of suppression effects will remain open to question.

VISIONQUEST[6]

VisionQuest is a privately run, profit-making organization that accepts hardcore delinquents, both male and female, who would otherwise be committed to traditional institutions. It utilizes the adventure/challenge concepts pioneered by programs such as Outward Bound and also includes the kind of verbal confrontations that are a central part of such programs as Synanon. VisionQuest was founded in 1973 by Robert Burton and Steve Rogers, who had both been working in traditional public juvenile treatment agencies. Its creation represented their attempt to break away from the restrictions imposed by working within a public agency.

VisionQuest currently has a staff of about 300 serving an equal number of juveniles from a number of states, including about 100 juveniles from San Diego County.[7] Its annual budget is about $7 million dollars and the charge for handling a juvenile is about $30,000 per year, ($81 per day in residential programs and $42 per day in home-based programs.

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[6] Information on VisionQuest was obtained from program literature, articles in the public media, evaluation reports by participating jurisdictions (primarily San Diego County), interviews with VisionQuest officials, and observation of VisionQuest programs in the field.

[7] VisionQuest was "discovered" by two consultants who had been commissioned by the San Diego County Bar Foundation (McKenzie and Roos, 1982) to identify and investigate programs that could serve as alternatives to traditional camps and CYA placements. This study was instigated by Judge Dennis Adams, who was then the Presiding Judge of the San Diego Juvenile Court.

The VisionQuest Program

The juveniles participating in VisionQuest are all volunteers. The selection process works as follows: The juvenile court identifies juveniles who have been found delinquent and who are candidates for commitment to traditional institutions or VisionQuest. VisionQuest staff interview these candidates and review their records in order to explain the program to them and to weed out the small fraction of youths who are so heavily drug-dependent or emotionally disturbed that they would not be able to function in the program. The juveniles are offered the choice of VisionQuest or alternative facilities. If they select VisionQuest,* they must make a commitment for one year, which includes: not running away, abstaining from sex and drugs, and completing at least two impact programs such as the wilderness camp, a program which emphasizes mountain climbing and wilderness survival skills, or the wagon train, a nine-month journey on an exact replica of a pioneer wagon train. In addition to the impact programs, VisionQuest services include educational and psychological assessment, individual and group counseling, parent counseling, learning centers, and group homes.

VisionQuest has become a controversial program with strong advocates and strong critics. It has attracted extensive and enthusiastic coverage in the national media, and manages to hit the front page in many of the small towns that its wagon trains transit. Most of the judges who play a role in committing juveniles to VisionQuest are highly enthusiastic about the program, as are the parents of many of the juveniles who have attended.

The principal critics of the program are mostly officials associated with more traditional programs or those responsible for regulating or certifying some specific aspect of the VisionQuest program, such as the education component. The VisionQuest staff have developed a reputation among some of these people as being "too pushy" or using their influence to cut corners that everyone else must obey. However, in a number of instances where there have been strong concerns expressed about some particular aspect of the program, the public officials or consultants sent out to investigate have written glowing endorsements of VisionQuest's program and practices.

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*The figures for San Diego indicate that about 50 percent of the youths interviewed by VisionQuest end up in the program. Some will not volunteer, some are rejected by VisionQuest, and for others the court orders some other placement. VisionQuest staff who conduct these interviews report that many hardcore delinquents claim they prefer commitment to a regular institution because they believe they can get released sooner than by going through VisionQuest.

The only evaluation of VisionQuest recidivism rates that we have found to date (Behavioral Research Associates, 1979) covers about 150 youths committed from Pima and Cochise counties in Arizona. That study found that of the 103 youths discharged for 13 months or more (an average of 26 months), 43 percent have been rearrested for a felony or misdemeanor at least once. There is no control group for which direct comparisons can be made, nor does the report provide sufficient detail on the characteristics of these youths for us to compare them with other published data. Nevertheless, if these youths represent the chronic delinquents whom VisionQuest is supposed to handle, this recidivism rate may be somewhat less than that reported for other programs.

Basic Concepts--A Theory Implied

VisionQuest differs from most of the other programs described above in that it is not explicitly based on any particular theory of juvenile delinquency. The program was not designed by academics or theoreticians as a vehicle for testing specific concepts, but by experienced practitioners as a means of overcoming what they saw as the limitations of other public programs. In fact, most of the VisionQuest senior staff do not have correctional or delinquency prevention backgrounds but instead have worked in a variety of social service areas.

However, the absence of theoretical justifications for the program does not mean that it has developed ad hoc. The program is based on a firm set of principles that all of the staff appear to understand and subscribe to enthusiastically, many of which have been developed or proven in other settings. Without attempting to articulate a comprehensive or integrated rationale or theory for the VQ program, this section sets out some of its guiding principles.

Rite of Passage. VisionQuest co-founder Robert Burton spent a number of years in VISTA, a poverty relief agency, working with the Plains Indians. Hence, VisionQuest incorporates many Indian rituals and concepts in its programs. One of the concepts articulated by Burton is the Rite of Passage. Indian tribes and many religious faiths explicitly incorporate a rite of passage into manhood in their rituals. Burton points out that for many youths the rite of passage in their subcultures consists of drugs, sex, and rock and roll--a poor substitute for a more traditional rite, which VisionQuest attempts to reinstate. The youths are aware that they are on a Quest, that they will be different people when they have completed it. The program has definite requirements that must be completed, and graduation from it is a significant honor recognized through explicit ceremonies.

Living Up to Commitments. The VisionQuest program emphasizes the need to live up to commitments. The youths are volunteers who have agreed to accomplish certain goals. It is assumed that many of them have been allowed to "drop out" or welsh on commitments all their lives. Therefore, the need to live up to commitments to others and to oneself is reinforced constantly.

Physical Challenge. All of the VisionQuest programs involve physical challenges--wilderness survival, wagon trains, mountain climbing--that require the development of skill and discipline, and also fulfill the juvenile's need for adventure and risk. The use of these physical challenges provides an alternative basis of authority for the staff in dealing with the youths. Staff members are admired or respected not merely because they have the keys to the gate, but because they are proficient at skills that become recognized as important. (To a limited degree, one sees this same type of respect based on skills rather than role for some of the staff in institutional programs, such as a gifted welding instructor, but it is the exception rather than the rule.)

Staff Training. VisionQuest appears to be as much of a challenge to new staff members as it is to the juveniles. The turnover rate for new staff is extremely high; only about three out of ten stay on for more than a year. In addition to the rather severe and confining living conditions, and the long hours, the staff is subject to constant and close supervision. Authority is granted only gradually. Performance is constantly evaluated and commented upon by the senior staff. Those who cannot abide this level of scrutiny become unhappy with the program, but

VisionQuest places so high a premium on the interaction between juveniles and staff, as the basis for reforming attitudes and behavior, that inadequate performance by the staff cannot be tolerated.

Adult Role Models, Family, and Intimacy. In the usual institutions, most of a juvenile's interactions are with other wards. Interaction with adults is limited, highly regimented, and based on well-defined rules. In VisionQuest, the interactions between juveniles and staff are much more frequent, varied, and intimate. They all live together in one small camp. The staff are physically present for five days out of every seven--24 hours a day. They eat, bathe, and work together, and share the same problems when they are on the road. The staff are just as cut off from family and friends as the juveniles. These conditions inspire a degree of intimacy, trust, and mutual respect that goes far beyond that found in traditional institutions. In fact, the VisionQuest groups appear to function very much like a family, including both boys and girls of varied capacity, and men and women on the staff. The staff treat youths as if they are part of a family with the same degree of openness, affection, touching, and discipline as one would see in a large family group.

Control, Discipline, and Punishment. The forms of control, discipline, and punishment used by VisionQuest are certainly no less demanding than those of other juvenile programs, but are considerably different. Because of the high staff-to-juvenile ratio, and their system of keeping all juveniles under constant personal surveillance, very little in the way of improper behavior escapes attention. None of the usual con games and gang activity that one finds in most institutions are tolerated. Neither is slipshod performance. The staff meets nightly to go over the disciplinary problems and performance of their charges.

Punishment consists of a good "chewing out," loss of privileges, or extra chores. On the wagon train a youth who continues to misbehave or tries to escape is "put in the pit," meaning that while he is in camp he is forced to stay (including when sleeping) in the center of the circle of tepees and wagons, next to the firepit, where he can be kept under constant surveillance.

Most of the time it appears that each youth is under the direct supervision of a staff member. A staff member might be supervising four members of a group, say, loading a wagon. If he has to send one of the group across the camp, perhaps to fetch a mule, he will call out to another staff member (there are always plenty around) to watch the youth as he comes over. If somebody turns up missing from where he is supposed to be, the command "Circle up" brings all of the juveniles together in circles by groups, so a head count can be made.

Accepting the Consequences of One's Actions. One aspect of traditional institutions that has puzzled some observers is the way in which the system protects a juvenile from the consequences of his actions. Certainly, if a youth in a traditional institution commits some serious disciplinary infraction, he may lose good time, but that is an event in the far-off future. He may also be placed in a solitary detention cell or transferred to another institution. But such actions appear to have little effect on the wards, who seem to accept them stoically, as part of the game, and life goes on as before.

The physical demands of VisionQuest seem to do a better job of impressing on youths the consequences of their actions. Forget to bring a warm jacket on the road today, or lose it, and you freeze. Forget to use the toilet facilities at a rest stop, and you have to wait until the next stop. Forget to take care of your animal, then tomorrow you walk instead of ride. Let your clothes get wet, then you sleep in wet clothes. The VisionQuest youths have very few arbitrary rules or duties imposed on them, such as making their beds up neatly, or stowing their gear in a particular fashion, or marching to classes or meals. Most of the rules and duties have a clear connection to their survival and safety. Therefore, a youth who breaks a rule is not seen by his companions as a tin hero who has thumbed his nose at the system, but as a clod who is making life harder for himself or for the rest of the camp. Since the youths are the principal labor source for keeping a camp operating, while the staff supervises and instructs, any foul-up by a youth that requires some effort to fix, such as damaging a tent or a wagon, simply adds to the collective workload. Under these conditions, troublemakers are not looked on as heroes.

Confrontations. One of the most visible and possibly controversial practices of the VisionQuest program is the confrontation--an impromptu effort by several staff members to call a problem youth on his or her behavior and force him or her to deal with the problems underlying the behavior. Confrontations can occur several times a day, at any time, with no attempt to hide them from the other youths or visitors. Most of the camp merely goes on about its business during the for 10-or-15-minute confrontation.

Only senior staff members are allowed to initiate or engage in confrontations. The need for a confrontation with a particular youth is discussed at the nightly staff meeting. When it happens, it is no surprise to the staff. Confrontations are used to turn a youth around when it looks as if his or her behavior or attitude is starting to get out of hand.

For instance, the staff may observe that a youth is beginning to talk back to staff, neglect duties, or provoke incidents with other youths. The senior staff decides that a confrontation is in order. It is triggered by a specific incident; perhaps the youth tries to get another youth to do his or her job, or performs a chore sloppily. The confrontation begins with loud and direct verbal confrontation, with the staff member and the youth nose to nose. Two or three more staff now gather around. The youth is continuously challenged. What is he up to? Who does he think he is? What is his problem? The youth may answer back in kind, or shrink into silence, or burst into tears, or even become physical. The staff stays on him until he works through a crisis. As things calm down, the discussion becomes more rational. Specific suggestions are made or orders given. By the time it is all over, they all go about their business as if nothing happened; the air is cleared. The staff may talk about how it went at their nightly meeting.

Family Intervention and Reentry. The VisionQuest program continues to work with the parents and with the youth when he or she returns to the community. The staff members who interview the youth and his family for entry into the program maintain contact with the family while the youth is away. Family problems are discussed. The youth's progress is reported to the family, and the family is prepared for the youth's return. Participating families are brought together in mutual support groups in order to share the problems and solutions in working with a delinquent child. Most of the youngsters return to live temporarily in community group homes. If there are serious problems at home, such as inconsistent parental behavior, or evidence that the youngster's return is not wanted, VisionQuest will work with the youngster toward early emancipation. While the youngsters are out in the field, the staff they are working with appear to have the benefit of reports from home concerning the activities and attitudes of the parents, and even the parents' perception of changes in the youth.

THE LESSONS OF VISIONQUEST

On paper, VisionQuest may smack of preciosity--a combination of Boy Scouts, Indian Guides, and juvenile hall--but the picture in the field is much different. The juveniles and the staff are not playing cowboys and Indians in their wagon trains and wilderness camps. Instead, they are struggling to cope with real and difficult circumstances, unprotected by the safety net or cocoon of traditional institutional programs.

Whether or not VisionQuest is based on any particular theories of delinquency or intervention, the theory stays in the background. The program is primarily practical and pragmatic, developed by experienced, sensible, caring practitioners. The program makes unique demands on the staff and offers unique benefits. Given the modest pay ($900 a month while in the field) and the working conditions, one can understand the statement of Robert Burton that the program attracts people who look on it as a lifestyle, not a job.

VisionQuest demonstrates what a private contractor can do in developing an innovative program. It is difficult to imagine a public agency daring to ignore an array of sacred cows as VisionQuest has done.

VisionQuest also demonstrates that it is possible to incapacitate chronic juvenile offenders (remove them from society temporarily) without incarcerating them. It appears that the cost per youth is roughly comparable in both VisionQuest and the CYA. The chief difference is the way in which the funds are used. VisionQuest invests a minimum in plant, equipment, and facilities. Its principal outlay is for field-staff salaries: The staff-to-juvenile ratio approaches one-to-one. Institutions require a much larger investment in plant, equipment, and special facilities such as diagnostic centers and detention cells. Also, a significant proportion of their staff are involved in maintaining the facilities or in specialized functions such as access control (the guards on the gates) or testing, and are therefore not directly involved with youths. In fact, it is the investment in plant and equipment that enables institutions to supervise youths with only about one-third to one-half the staff required by VisionQuest.

The tradeoffs are obvious. The institutional approach yields the benefits of modern mass production. Many of the jobs can be highly structured and routinized. Staff members do not have to think about what is best for a youth, since that is the job of the diagnostic center. Not do they have to "treat" a youth who is acting out problems; they can merely put him or her in detention.

The institutional approach also has the supposed benefit of regulating and standardizing the demands made on the staff. Routine 9:00-to-5:00 jobs are possible. The workload is entirely predictable. The staff can commute to work. They get coffee breaks and meal breaks like any factory or office worker. The demands of the youths intrude into their lives as little as possible.

The VisionQuest approach is labor-intensive. It does not generate work for the building trades. The demands on the staff are much more extensive, requiring long separations from home and family and living in adverse conditions. (Some staff families go along on the trips, with their youngsters participating in the program with the regular VisionQuest youth.) The VisionQuest staff live under the same basic conditions as the wards. There is much more interaction with the kids and fewer specialized resources to turn to.

In an institutional setting, two or three staff will be assigned (per shift) to supervise a dorm of 50 juveniles. Most of the time they will be physically isolated from the wards by bars or glass, confined to a control station with switches and lights and accountability ledgers. When they are not chatting with each other, their attention will be devoted to entry and egress control (for wards going to or returning from special appointments), watching wards in the shower and toilet facilities, watching the dorm, and dealing with specific requests. Any action by the wards that is not overtly threatening or in obvious violation of the rules (tearing up somebody's bed or looking through their lockers) will generally be allowed to pass. A dorm counselor may have time to stop and chat with a few individuals or groups, but most of these contacts are highly superficial ("How's it going?") and secondary to maintaining accountability and the flow of wards to where they are programmed to be.

On a VisionQuest wagon train, about 36 staff members are available to work with about 46 youths. In an institution, most of the time, the youngster is caught up in the impersonal machinery of the system. He is frequently under the control of people he does not know. There is little time for him to make his personal feelings known, or for staff to see any individual apart from the group context. The timing of staff-ward contacts is determined by the schedule of the institution, not the emotional needs of the ward.

In summary, VisionQuest is a contemporary program that challenges traditional institutional programming as the most effective way of handling seriously delinquent youth. Nevertheless, it remains either unknown or an irrelevant curiosity to most practitioners and academics who profess to be interested in the goals which it appears to be accomplishing. It is our judgment that the juvenile justice system should routinely include efforts to identify and evaluate programs such as VisionQuest.

RESEARCH AND DEVELOPMENT STRATEGIES

The consistent string of failures chalked up by experimental treatment programs over the past two decades can be interpreted variously. A pessimist can conclude that treatment is a futile enterprise. Statisticians will interpret these results much more narrowly, as showing only that no one has found a treatment that works consistently. Treatment theoreticians will be even less discouraged by the record of past failures. Like the statisticians, they will interpret the past record as proving only that certain methods do not work for certain kinds of delinquents. After incorporating these results into their particular theories of delinquency, they are ready to propose "new" intervention strategies that their theories suggest, and which they can claim have never been tested explicitly.

Of course, some diehards will claim that the prior record proves nothing other than that most treatment models have been poorly implemented and tested. They can pick apart the descriptions of most past programs to find "obvious" reasons why they did not succeed. Or they can fault the published evaluations for their narrow focus, claiming that they failed to measure many important outcomes, or that they were terminated too soon.

One cannot dismiss any of these perceptions, since each of them is valid up to a point. The issue is, what perspective does one adopt in attempting to design more effective treatment programs? In this section we offer an alternative view of what the search for successful interventions is all about. Our point of departure from other interpreters of the rehabilitation experience is what one looks for in attempting to identify more successful programs. We will argue that the key lies in the capabilities of the program leadership, not in the theories or methods they espouse. We believe that the contributions of "theory" to the practice of rehabilitation have been vastly oversold.

The basic theoretical problem is that we do not yet have any clear insight into how behavioral change occurs in relatively unstructured social settings. Until we know considerably more, rehabilitation will remain more art than science. The demand for "theory-based" interventions, given the currently inadequate theoretical base, is akin to asking scientists for advice on how to paint better pictures, play better chess, or sell more soap. Science can provide some insight into these endeavors, but it falls far short of providing a comprehensive theory that guarantees success.

Program development can be pursued through two basic approaches. One is the so-called "top-down" R&D model, in which a research agency or academic scholars develop program ideas and then seek out operational settings in which to test them. The other is the "bottom-up" approach, in which practitioners are encouraged to develop their own programs, and the job of research agencies or academic scholars is then to identify the more promising program approaches. The most recent study to confront this basic issue in the corrections field was conducted by the National Academy of Sciences' second panel on rehabilitation. The first panel reviewed the work of Lipton, Wilks, and Martinson (1975), along with more recent rehabilitation evaluations, and concluded that the earlier interpretations were sound: that no particular intervention strategy had been proven superior to any other (Sechrest, White, and Brown, 1979). The second NAS report on rehabilitation, entitled *New Directions in the Rehabilitation of Criminal Offenders* (Martin, Sechrest, and Redner, 1981), took up the issue of what should be done next. This study clearly advocates the top-down approach to program development. The authors conclude that new ideas for successful rehabilitation programs have not been forthcoming because insufficient attention has been devoted to developing theories of intervention. They argue that any new programs should be theory-based, and that the rehabilitation R&D effort should be devoted to testing specific theories rather than discrete separate programs. They further recommend that, when a program is developed on the basis of a specific intervention theory, care and attention should be devoted to seeing that it is implemented with absolute fidelity to the original design in a number of different settings, and that only in this way can new knowledge be developed about the effects of particular intervention strategies.

Although we agree with the NAS Committee that this approach might be the best way to develop rehabilitation *theory,* we do not believe that it is the best way to find or develop effective *programs.* We also believe it is based on a faulty perception of the major reason why treatment programs have failed in the past.

From a research point of view, of course, it would be gratifying to have models implemented and tested in very controlled settings. But research is not the only problem confronting rehabilitation. There is also the serious problem of staff capability for conducting rehabilitation, and political and resource constraints in implementing program models. We agree that in the past it has often been the case that theoretical models developed in academic research settings have not been adequately implemented in practice; but we do not believe that the motive was to frustrate researchers.

The problem is more fundamental. The fact is that many theoretical models have failed to take into account the practical, political, and resource problems confronted by operating agencies. We do not think this situation is likely to change in the future, and we doubt that large sums of money for rehabilitation R&D will be available as they were in the past. The National Institute of Justice, the National Institute of Corrections, and National Institute of Mental Health are all operating with greatly reduced budgets. Without the availability of Law Enforcement Assistance Administration funds, state departments of corrections are cutting back drastically on their research and new program development activities. (In California, both the Department of Corrections and the CYA have reduced their research staff considerably in the past two years.) Until new sources of R&D funding become available, the primary burden for program development will rest directly on the staff of operating agencies.

Part III

A REFORM AGENDA FOR CALIFORNIA JUVENILE JUSTICE

INTRODUCTION TO PART III

Part I described how juvenile crime is currently dealt with in California, and Part II showed how the current system concepts have developed gradually over time. In this Part, we show how a number of reform concepts, which deal with problems identified in Parts I and II, can be grafted onto the current system. Chapter 7 takes up the issue of how treatment programs might be reorganized to promote more accountability for results and competition among programs. Chapter 8 deals with issues of guiding sentencing discretion, and Chapter 9 deals with the general issue of implementing any type of reform in the juvenile justice process.

Chapter 7

THE ORGANIZATION OF JUVENILE CORRECTIONAL PROGRAMS

We have argued that treatment needs or rehabilitation should not be the primary criteria in determining whether a juvenile should be committed to a state institution. Evaluations of correctional programs make it clear that rehabilitation programs can work in the community as effectively as they do in an institution. The primary purposes of institutionalization should be punishment, incapacitation, and deterrence. This does not mean that the treatment needs of institutionalized youths can be ignored. The behavioral patterns that led to their incarceration, and the potential problems that may be caused by incarceration, demand substantial intervention efforts. The issues we address in this chapter are what type of treatment programming they should be provided with, and how these services should be organized.

The ultimate test of any rehabilitation program is not what technique it uses, or where it takes place, or how hard it tries, or how well people like it--the characteristics that are normally used to describe a "model" program. The ultimate test is its impact on youths after they leave the program--primarily, its impacts on their criminal behavior. This may seem an obvious point, but it is ignored more often than it is recognized in the treatment literature. The model programs proposed in the literature are not usually supported by evidence that they lead to lower recidivism rates. Correctional agencies seldom collect the kind of data that can show whether their current expenditures on testing, diagnosis, classification, and programming lead to lower recidivism rates.

After they have reviewed the discouraging evidence indicating that rehabilitation programs are not successful in reducing recidivism rates, many authors in this field proceed to describe what they believe a successful program would look like. They may base their proposed model on a small program that they have observed in practice, or they may appeal to particular theories that attempt to explain delinquent behavior or the process of producing behavioral change.

Our reading of the correctional literature does not suggest that this is necessarily the most productive approach for developing better programs. The literature is full of both creative ideas and explanations of why the resulting innovative treatment programs did not work as well as expected.

In this chapter, we shall proceed on a different basis. We will not presume to know what forms of treatment work best for particular types of offenders in all types of settings. In fact, our reading of the literature suggests that no such pattern of dominance exists. Rather, we believe that many forms of treatment may be able to reduce recidivism if they are applied appropriately.

We will argue that the key to successful rehabilitation programs lies not in the particular technology that is selected but in the skill and dedication with which it is applied. Given the nature of their clientele and the problems they must overcome, the operation of treatment programs for delinquent youths is a demanding line of work. There are no sure formulas for success. The frustrations are many and the rewards are few. A program that initially shows some promise of success can easily slip back into mediocrity with changes in leadership or a decline in staff morale.

It strikes us that the management of rehabilitation programs has much in common with the management of an investment portfolio. There are no surefire formulas for success. There is a continuing need to reevaluate existing programs and to search out new opportunities. After all, the clients of rehabilitative programs are youths whom conventional educational and social programs have failed to reach. There is no reason to believe that additional conventional programming will do much better. A sensible investor, in selecting someone to manage his funds, looks not only at a potential portfolio manager's program and methods, but also at his record of success. Of all those who follow any particular investment strategy, only a few will consistently outperform the average. The same situation is likely to exist in the rehabilitation field. Out of all those program managers who follow the same basic strategy, only a few will consistently outperform the average.[1] The only way to identify who they are is to continually monitor their performance. (We hardly need to point out that this is not how treatment programs are organized and run today.)

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[1] The Lipton, Martinson, and Wilks (1975) evaluation did identify some projects that had lower than expected recidivism rates. The

We begin by describing a number of basic treatment strategies and discuss the peculiar management issues that each one raises. We then present a coherent overall strategy to ensure that state-run programs achieve their maximum potential.

BASIC TREATMENT OPTIONS

Although a wide variety of treatment programs is described in the literature, there are only about five basic intervention strategies from which a program can be built: (1) the enhancement of educational and vocational skills; (2) the development of personal insight; (3) improving response to social controls; (4) experience or adventure programs; and (5) medical intervention.

Most juvenile institutions rely heavily on programs designed to enhance educational and vocational skills. In fact, many are called "training schools" or "schools of industry." It is accepted as a matter of faith that improvements in such basic educational skills as reading and math, along with the development of vocational skills, are in the best interests of all youngsters. Younger juveniles are usually required to attend a fairly traditional educational program. Older youths will split their time between classes in a particular trade, such as welding, printing, bricklaying, etc., and remedial classes. Youths who have not completed high school will be encouraged to complete the G.E.D. requirements. Youths who show any aptitude for higher education will usually be encouraged to take such classes.

Many institutionalized juvenile offenders have poor scholastic records. They test out well below their appropriate grade level and have usually dropped out well before they are committed to an institution.[2] Their institutional classroom work typically involves individualized reading or math work at the third- or fourth-grade level.

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conclusion that no one treatment approach is more effective than any other is based on the finding that no one approach consistently led to lower recidivism rates, across several projects.

[2] In 1981 the median age of all wards admitted to the CYA from juvenile and criminal courts was about 18. Only six percent had completed high school, and the mean grade level on reading comprehension tests was 6.9 (California Youth Authority, 1982).

Of course, it is just such students who are the most difficult for regular schools to work with. Several decades of intensive developmental work have failed to identify any approach that will consistently improve the progress of these reluctant learners.

Although "opportunity" theories of juvenile delinquency suggest that improvements in scholastic achievement or vocational skills should lead to reductions in criminal behavior, there is no empirical evidence to suggest that they do. Clearly, many institutionalized juveniles participate in these programs solely because they know it is a way of earning "good time" and reducing their stay. There is no clear evidence whether it is better to force these juveniles to participate in educational programs or wait until they are motivated to do it on their own. Programs that try to cure drug abuse, alcoholism, smoking, or overeating are clearly more effective with volunteers than with people who are forced to participate. On the other hand, many school children who learn to read do not do so voluntarily.

The development of personal insight or emotional growth is normally the goal of individual or group counseling, or more intensive individual psychological therapies, including biofeedback and guided imagery. Almost all juveniles are required to participate in some form of group sessions that deal with their prior criminal behavior, substance abuse, or current institutional problems. Individualized treatment is reserved for only the most emotionally disturbed youths who are continual behavioral problems, even in an institutional setting. All of these therapies share a common goal of attempting to get youngsters to confront and deal with the emotional or psychological problems that have led to their prior deviant behavior.

Efforts designed to improve a delinquent's response to social controls have a strong overlap with efforts designed to maintain institutional control. They normally involve a formalized set of rules and system of rewards and punishments to reinforce discipline. Some programs are modeled on military school principles. Others adopt the language of behavior modification or utilize peer group influences in the ways developed by such therapeutic communities as Synanon or

Alcoholics Anonymous. In all of these programs, the emphasis is on discouraging negative behavior through swift and certain punishment and rewarding positive behavior.

Experience or adventure programs are an attempt to provide delinquent youths with work or field experiences that challenge their personal capabilities and appeal to their sense of pride. The theory behind such programs is that these experiences provide an opportunity for personal growth, build self-confidence, and encourage cooperative behavior. The most ambitious of these efforts are privately operated programs such as Outward Bound and VisionQuest, which teach personal survival skills in wilderness settings. Within the CYA, the forestry camp programs represent an effort in this direction, as do the efforts at some institutions to pair up wards with regular staff or maintenance crews. Although these programs include only a small fraction of the total CYA population, they are viewed by several institutional administrators as the most effective intervention they have to offer. At the Preston School of Industry, which houses wards with the most difficult institutional behavior problems, the cottage containing the wards who work on the maintenance crews is reputed to have the smallest number of disciplinary problems.

Medical interventions apply only to those wards who have correctable medical problems that interfere with their normal functioning. Since the families of many incoming wards do not have them regularly examined for medical and dental problems, a fair amount of corrective work takes place in the reception centers. A very small fraction of the most acutely disturbed wards are given tranquilizers so that they do not have to be kept in continual solitary confinement.

Within these five broad methods of intervention, a virtually infinite variety of programs can be designed to emphasize specific aspects. Since each of these approaches has some theoretical validity, but none has been empirically proven superior, the appeal of any particular program to outside observers is likely to be based on its novelty or how it is sold, rather than on how well it works. This explains, in part, why correctional programs are so frequently oversold and why so much emphasis goes into developing new titles and theoretical justifications for what turn out to be rather traditional programs.

ORGANIZING TO PROMOTE IMPROVED PRACTICES

Within the current system, the juvenile court has three basic options for placing serious juvenile offenders: probation, local camp, or the CYA. Since probation caseloads have risen to more than 100 juveniles per deputy probation officer, most probation cases receive little service or supervision. Probation usually amounts to a free ride until the next offense, when it is likely to stiffen a subsequent sentence. Commitments to county camps differ from commitments to the CYA in several important aspects: The length of stay in the CYA tends to be considerably longer; CYA facilities are more remote, more secure, and more capable of containing disruptive behavior by the use of special detention cottages or cells; CYA facilities also are larger and offer a broader range of services. CYA wards are paroled under some supervision, while camps tend to release juveniles directly to the community. Finally, the state picks up the bill for CYA commitments, while camps are a county expense. With institutional costs running between $20,000 and $30,000 per year per juvenile, the cost of keeping a mere 50 juveniles is over a million dollars per year.

It appears that the current organization of juvenile facilities has two undesirable consequences: (1) It provides limited opportunities and incentives for the development and testing of improved programs or methods of institutional management, and (2) it makes it virtually impossible to hold any particular individuals or institutions accountable for their treatment effectiveness. This situation, in a system that aspires to rehabilitative objectives, strikes us as counterproductive. In the remainder of this section, we will describe some organizational reforms that might be adopted as a means of improving the quality of the very expensive treatment services that the system attempts to deliver.

Case Continuity

Within the current system, treatment services are organized on a sequential basis. For a juvenile who is kept at the local level, one part of probation deals with him while he is in camp and another deals with him in the community. Another part of probation screened his petition, and another prepared his presentence report. If he is committed to the CYA, he will first go to either the Northern or Southern Reception Center for clinical testing and classification--a process that usually takes about six weeks. From the reception clinic he will be assigned to one of a dozen institutions. During his stay he may be transferred among institutions because of behavior problems, or sent to a forestry work camp. When he is released, he will be assigned to a parole unit near his home for supervision and possibly some reentry assistance--job placement, school enrollment, etc. While he is in the CYA he may receive some schooling or vocational training. If he continues these activities after he is released, they will be provided by an entirely different organization.

The system does not now make any systematic effort to determine the results of its treatment, other than conducting periodic recidivism studies. But suppose that it did, and that it discovered that wards trained in printing or welding were not finding jobs in those trades, or that they were unprepared for the jobs that were available. Who would be at fault: the institutional administrators, the vocational training staff, or the parole staff? Within the system no one person or unit is responsible for a specific youth, which means that the most critical aspect of their job performance is unmeasurable. A welding class, a remedial reading class, or a parole agent's work is judged by some administrator's theory about how these activities should be performed, not by their results, even though there are many competing theories, among which none has been proven superior.

It seems somewhat strange that after a bond is built between an institutional staff member and a juvenile, who probably had very few close ties with supportive adults in the past, they will have no further contact after the juvenile walks out the gate. Might not some continuity in contacts help in the transition? Might not the institutional staff benefit from greater contact with youths in the community and awareness of the specific problems they face?

One of the surprising things about visiting even the most secure CYA institutions is an absence of the hostility and tension one finds in prisons. There is little of the guard mentality evidenced by the staff. There is no reliance on firepower from guard towers to keep things from getting out of hand. When asked how this was possible, the staff consistently answered that they relied on personal bonds with the kids. They get to know each other. Consequently, when a fight breaks out, it is not some anonymous guard attempting to intervene physically but someone the kids know. Everyone seems to recognize the need to make things personal, for their own safety and the efficient operation of the institution. One wonders, then, why the same idea does not deserve a test when it comes to reentry. It seems more likely that a ward on parole will level with someone he or she has known and trusted for more than year, than someone he or she has met only two or three times in formal office settings.

Our primary reason for suggesting more case continuity in the organization of juvenile rehabilitation efforts is program accountability. To encourage and identify successful programs, administrators must be given more control over wards during the critical reentry phase of their sentence, and wider latitude in developing program options. Functionally, this means that each program must contain its own institutional and parole components. They may also include forestry or work camp facilities and community release centers through which wards may pass on their way back to their communities. In practice it might prove possible for several institutions or programs to share a camp facility by sending out contingents of wards and staff at different time periods.

The basic objective of developing more continuity in case processing should be to ensure that a specific administrator has both the responsibility and flexibility for meeting the needs of all of the wards committed to his or her custody. Although implementing this method of organization would require considerable planning and effort, including possibly the use of outside organizational consultants, it may offer one means of improving the effectiveness of the state's rehabilitation efforts.

The Possibility of Competition Among Institutions

There are basically two ways in which competition could be introduced among state-run juvenile institutional programs as a method of promoting innovation and greater rehabilitation effectiveness. One method would involve controls by a single state agency; the other would involve control by local juvenile courts. Under the first method, a pool of eligible wards would be randomly assigned among competing programs. Under this method any differences in post-release criminal behavior among wards from different programs could be attributed to differential success rates among programs. This knowledge could, in turn, be used to reward successful administrators with career advancements or higher pay. Under the second method, a local juvenile court would be allowed to select which of several competing programs a ward would be committed to. Under this plan the success of a program would be measured by its ability to attract commitments from local courts.[3]

If a local juvenile court elected to make its commitment decision based on program descriptions, then it might commit all wards of a particular type to the one program it felt was superior. If it elected to base its commitments on performance, then it might choose to randomly assign wards to different programs and compare their subsequent criminal behavior. Of course, local courts could pool their knowledge to help determine which programs were most effective.[4]

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[3] This is, in fact, the way Pennsylvania operates its juvenile institutions. The juvenile court judge selects the institution and determines the release date. Institutions that cannot attract commitments are closed.

[4] One of the arguments against competition that we frequently hear is the complaint that it is not possible to compare a program that only takes volunteers (like VisionQuest) against a program that must take almost everybody (like the CYA). One method of making such a comparison would be as follows:

(a) The first step is to identify a pool of wards who are eligible for commitment to VisionQuest or traditional programs. This pool must be at least twice as large as the number who will ultimately be committed to VisionQuest.

(b) Within this pool, on some random basis, half of the wards (the Experimentals) are screened for VisionQuest, as described in Chap. 6, Under the current method of institutional assignment practiced by the CYA, there is no way of comparing the effectiveness of different institutions. Assignments to particular institutions are based on the wards' prior records, prior institutional behavior, and treatment needs. The wards assigned to different institutions would be expected to have different average recidivism rates even if there were no difference in program effectiveness.

Probably the strongest argument against this concept of institutional or program competition would come from CYA administrators who see institutional placement and transfer decisions as a means of controlling institutional violence. The maintenance of order (and safety) is currently a primary consideration, even more so than rehabilitation. Part of the reason for this priority is that institutional violence is easily measurable or observable to outsiders, whereas rehabilitation effectiveness is more difficult to determine and expectations are being lowered. Institutional violence also affects the staff more directly.

In the assignment process, substantial consideration is given to separating antagonistic youths, gang members, or ethnic groups. If an individual causes problems within one institution, a ready solution is to ship him out to another. While these practices may help to curtail some institutional violence problems, they do nothing toward helping the members of these antagonistic groups to learn to get along together on the outside. They also interrupt the programming of the individuals who

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while the other half (the Controls) are committed directly to traditional programs without the VisionQuest option.

(c) After the VisionQuest selection process is complete, those wards whom VisionQuest rejects or who reject VisionQuest are assigned to traditional programs--but they are still considered Experimentals for evaluation purposes.

(d) When it comes time to perform a follow-up recidivism study one or two years after the wards have been released back to their communities, the appropriate comparison of recidivism rates is between all Controls and all Experimentals, even those who received traditional programming because they were screened out. If the experimental program is having any substantial positive results on recidivism rates, it should show up in this kind of a design.

are transferred. In fact, institutional transfers may promote some violence by importing rumors or feuds from other institutions. If the current unified state system of institutions in California were broken up into several competitive programs, each of the resulting programs would still be larger and retain more flexibility in assignments than the programs of most other states.

We would argue that the competition for placements should be open to programs run by private contractors, as well as state and county agencies. Our analysis of VisionQuest, and our knowledge of other private sector programs, suggest that these private programs may utilize some of the most innovative treatment methods available, or offer programs for particular types of youths who are not well served by more traditional programming. In order for private contractors to compete with state or county programs on an equal footing, it will be necessary to ensure that there are no financial penalties favoring particular programs.

The current method of funding treatment programs encourages commitments to the CYA or private placements and discourages counties from enlarging their own institutional programs. The cost of CYA commitments is borne by the state, while commitments to local camps and ranches are a county expense. At the current time, placements to programs such as VisionQuest are supported 95 percent by state funds and 5 percent by local funds under the AFDC foster care program. However, the bill (AB 8) that provided this state funding will sunset on December 31, 1983, placing much more of the burden of funding these programs on local funds.

To encourage more competition and innovative long-term placements in the CYA, all county camps and private programs should be supported on the same basis. The money should follow the ward and the placement decision of the court, and not be tied to the maintenance of particular programs. In practice, the cost of commitments should be split in some reasonable way between the state and county, possibly with a higher degree of state participation in commitments for the most serious offenses.[5]

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[5] In Pennsylvania the cost of all commitments, whether to state, local, or private programs, is split 50/50 between the state and local funding (62 P.S., Sec. 704.1 et seq.).

CONCLUSION

The rehabilitation of chronic juvenile offenders will remain the most challenging and frustrating task of the juvenile system, but also potentially the most rewarding. Today's chronic juvenile offender is tomorrow's career criminal. The lifetime cost of these offenders in both direct system-processing costs and the cost to their victims is high. Even a modest improvement in recidivism rates for the approximately 3000 juveniles and young adults released by the CYA each year would have substantial payoff.

At the current time, the field of rehabilitation is bereft of any compelling theory or program that promises to reduce criminal behavior. State officials can take advantage of that fact to justify widely diverging courses of action: They can slacken their interest in rehabilitation and reinforce their interest in maintaining order; or they can put theory to one side and try to devise organizational changes that will promote and nurture the most promising programs and staff. Given the nature of the rehabilitation enterprise, its clients, and the context in which it is conducted, we suggest that some degree of decentralization, with competition between programs, may be a means of generating more effective programs.

Chapter 8

SENTENCING OPTIONS AND AUTHORITY

If the purpose of juvenile court dispositions is purely rehabilitative, reflecting "the best interests" of the child, then there is little in the way of general principles that can be used to measure or guide the decisions of the local juvenile courts. The "appropriate" disposition in any particular case must depend heavily on the social background and treatment needs of the juvenile, a judgment that is best left to the wisdom of local authorities. However, once we acknowledge that some juvenile sentences are intended to be punitive, then the concept of just deserts becomes a limiting constraint on the discretionary authority of the court. For the least serious cases, deserts will place an upper limit on the kinds of intervention that can be imposed; for the most serious cases it will establish a minimum. The consistency of local sentencing patterns becomes an interest of the state.

In addition to the issue of sentencing equity or fairness, juvenile court disposition patterns largely determine the allocation of treatment, protection, and punitive resources. Policies that increase the amount of resources that must be devoted to a particular type of delinquent--for example, a policy of extending the terms to be served by the most serious offenders--necessarily reduce the resources available to deal with other types of delinquents.

Previous chapters have articulated a number of issues that are raised by current disposition (or sentencing) policies. They begin with the terminology of the law. Dispositions are not called "sentences," which to a large extent they are, but "placements"--a euphemism that derives from the early rehabilitative hopes of the juvenile system, and disguises its punitive aspects. Sentencing objectives for juveniles, as they are now articulated by the law, are vague in that they fail to indicate how the competing goals of treatment, punishment, and community protection are to be resolved in specific cases.

Of course, the final test of any sentencing system is the pattern of sentences it produces. Chapter 4 describes the pattern resulting from the current system in several sites. The interpretation of these results depends upon one's views about what sentences are supposed to achieve. For instance, among law enforcement and prosecution officials, who are generally more concerned with community protection, many contend that sentences are too lenient. They argue that repeat offenders get too many "second chances," with diversion or probation, before the court will impose any real sanctions (meaning incarceration) on their criminal behavior.[1] They contend that the most serious juvenile offenders do not serve enough time. On the other hand, there are those who will argue that the system is too punitive, that it places too much emphasis on incarceration instead of community programs, and that juvenile sentencing patterns vary too much across sites.

There is no objective or scientific means of resolving this debate. At this time we do not know whether longer terms or earlier intervention will retard or enhance the development of criminal careers (Klein and Mednick, 1982). All we can do is estimate how various sentencing policies will affect the time served by various types of delinquents and the distribution of correctional resources.

If the legislature is dissatisfied with either the process or the outcomes of current juvenile sentencing, it can intervene in a number of ways. In this chapter we will argue that the most appropriate form of intervention would be the gradual development of prescriptive sentencing guidelines or policy statements that focus on particular types of juvenile offenders. We begin by reviewing the objectives of juvenile sentencing decisions and the options that are available for carrying them out.

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[1] Police and prosecutors also tend to be strong believers in specific deterrence, the notion that more severe sanctions will teach juveniles that crime does not pay.

SENTENCING OBJECTIVES

Like sentences for adult criminals, juvenile sentences must serve the fourfold objectives of punishment (or accountability), treatment (or rehabilitation), deterrence, and incapacitation.

In this terminology, punishment is some disagreeable outcome, such as six months in a county camp or fifty hours of community service, that is imposed on the offender by way of making him pay for his crime, without any concern for its effect on his or any other offender's future behavior. The deterrent effects of punishment are its supposed inhibiting effect on future criminality. According to deterrence theory, the punishment inflicted deters both those who are caught and others who might be tempted to commit similar acts.

Treatment or rehabilitation refers to services or interventions designed to help a youth resolve particular behavioral or psychological problems. The problem with using rehabilitation as a principal criterion for sentencing is, as we have argued in previous chapters, that there are no reliable means of diagnosing the underlying problems that lead to criminal behavior, or for treating them once they are discovered.

Finally, incapacitation refers to those crimes prevented by temporarily removing offenders from their community.

As with adults, there is a tension between these objectives that will be resolved differently in different types of cases. For minor or first-time offenders, the emphasis will be on diversion, avoiding the negative consequences of labeling, minimizing penetration into the system and, hopefully, preventing any further incidents. For juveniles with several prior arrests, but for lesser offenses, most people seem to agree that some form of punishment is required in order to teach the juvenile to be accountable for his actions. The sanction of choice is usually short-term detention. For youths who have committed more serious crimes, the objectives of punishment, treatment, and incapacitation are now served by commitment to county or state institutions for terms ranging from six months to three years.

California's current juvenile law provides little or no guidance to juvenile court judges on how to resolve these competing objectives in specific types of cases. The principal sentencing rationale that has been espoused in recent years for juvenile court judges is that of the "least restrictive alternative," a notion implying that the court should make the minimum intervention necessary to change a youth's behavior or to protect the community. The problem, of course, is that nobody knows what intervention is necessary. "The least restrictive alternative" principle has been translated into one of gradual escalation, whereby the court starts out with the minimum intervention, and escalates its response each time the youth comes back on new charges. It is specifically this notion of giving chronic delinquents repeated chances, in the hope of not criminalizing them further, that is one principal cause of recent dissatisfaction with juvenile justice.

Sentencing decisions represent more than resolving what to do with a particular juvenile, or balancing competing objectives in some abstract theoretical exercise. Sentencing policies writ large determine the composition of institutions and programs, and how institutional and treatment resources are to be allocated.

For instance, the CYA's institutions have a limited capacity. Once the ward population reaches that capacity, one ward must be released when a new one is admitted. In recent years the Youthful Offender Parole Board has adopted parole guidelines that have gradually lengthened the average stay. As term lengths go up, fewer new wards can be admitted. The result in this case has been that fewer wards in the 18-to-20-year age bracket have been accepted from criminal courts. As the average stay in the CYA lengthens, it becomes clear to wards and administrators alike that the purpose of these longer terms is shifting from treatment toward punishment and incapacitation.

SENTENCING OPTIONS AND THEIR CHARACTERISTICS

Sentencing options for juveniles differ from those for adults in their greater variety, due primarily to the greater emphasis on treatment and the issue of custody. With adults the principal sentencing issue is whether they are to be incarcerated or left to reside on their own in the community. For juveniles who are not incarcerated, there is still the issue of who is to be responsible for their custody and supervision, and whether they will be required to participate in community treatment programs.

In thinking about the range of possible sentences that might be applied to juveniles, it is helpful to distinguish seven options:

- *Diversion*. Juvenile justice proceedings are suspended or dismissed and the juvenile is referred to some other type of social service agency. Diversion is based on the theory that, for many minor offenders, the potential negative effects of further intervention by the court outweigh any potential positive impacts (labeling theory).
- *Home on Probation*. The juvenile is released to the care and custody of his or her parents, with minimal requirements to report to a probation officer. This is the normal sentence given to less serious offenders following their first juvenile conviction. It is a less feasible option if there is poor supervision at home, if there are serious conflicts between the juvenile and the parents, or if the juvenile is refusing to attend school. Sometimes repeat offenders may be placed on probation under much more intensive supervision.
- *Community Service, Restitution, or Participation in Community Treatment Programs*. For juveniles whose crimes are more serious, or whose treatment needs are more acute, these options provide a greater range of options than straight probation, while allowing the juvenile to reside at home. Community service for a specified number of hours can involve participation in supervised activities such as cleaning up parks or buildings. Restitution to the crime victim can involve the payment of money, if the juvenile is employed, or some services to the victim, particularly if it is a business establishment. Participation in community programs can include such options as group counseling or drug therapy that are tailored to the juvenile's specific needs.

- *Short-Term Detention* for up to 60 days is primarily a punitive option that is typically used for juveniles who have failed to respond to probation or community programs. It also provides a temporary break in the home or community environment that may be contributing to the juvenile's delinquent behavior and gives a taste of what can be expected if his or her criminal activity continues. In practice, these short-term confinements are too brief to provide any opportunity for treatment programming while the juvenile is confined.
- *Out-of-Home Placement* involves placing a youth in a privately operated foster home, group home, or residential treatment facility under the supervision of responsible adults who are paid for the juvenile's care. These placements can run anywhere from six months to two years and can vary considerably in the degree to which the juvenile is under direct supervision and in the services provided. A juvenile who has been placed in such a setting may be allowed to attend a regular school program or required to attend a special school. He may be confined for all of his free time or only required to be at home at night. If he is emotionally disturbed or has psychological problems, he may receive special treatment.

Placements in the local community probably come the closest to maintaining a normal home environment for those who require more supervision than their parents are willing or able to provide. Many juvenile offenders are placed in private facilities outside their communities because suitable local placement facilities are either inappropriate, inadequate, or unavailable, or because of special circumstances. Out-of-community placement may be used for disturbed wards who need special treatment, for those simply requiring 24-hour boarding care unavailable locally, or because gang affiliation, drug use, or family problems make it necessary to remove a youth from his home community.

Serious juvenile offenders are usually placed in secure public facilities because they are not considered to be suitable for private placement. However, in Chap. 6 we have described one private placement program, VisionQuest, which now receives serious offenders from the San Diego Juvenile Court. These youths are required to participate in wilderness programs away from their home community and are under close adult supervision.

- *Local Confinement* in a county ranch or camp is reserved for youths who commit more serious offenses or are repeat offenders but are not considered serious enough to be sent to the CYA. Confinement in a local facility typically ranges from four to eight months.
- *Long-Term Confinement*. The most severe form of intervention that can be ordered by the juvenile court[2] is confinement in a county camp or CYA facility. These confinements are typically indeterminate and may range from six months to a year in county camps, and up to three or four years for the most serious delinquents committed to the CYA.

In terms of the punitive treatment or incapacitation impacts of these options, there is considerably more overlap than one might suspect from simply their description. Indeed, it is the existence of these overlapping options, and the conflicting objectives of the juvenile law, that make juvenile sentencing policies more complex to describe or control than those of adults. Table 8.1 offers a rough comparison of the different options in terms of what they cost and what they deliver in terms of punishment, treatment, and incapacitation.

Diversion and straight probation are the least expensive options and have the least impact. With probation caseloads typically running in excess of 100 to 150 cases per probation officer, little supervision or service is provided. The principal consequences of probation are at most some explicit restrictions on the juvenile's behavior (being home by 9:00 p.m., attending school, etc.). Both of these options are based

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[2] For those juveniles whose crimes are so severe (e.g., killing someone in a robbery) that longer terms are called for, there are provisions whereby the juvenile court may waive jurisdiction so that the juvenile can be prosecuted as an adult in the criminal courts.

Table 8.1

SENTENCING OPTIONS AND CHARACTERISTICS

Option	Cost per Day	Cost per Placement	Degree of Punishment	Degree of Treatment	Incapacitation Effect
Diversion	none	none	none	none	none
Home on probation	minimal	$100	slight	none	none
Community service, restitution, or programs	$10	$100-1000	greater than straight probation	greater than straight probation	slight
Short-term detention (30 days)	$50-100[a]	$1500-3000	greater than community programs	less than community programs	slight
Out-of-home placement (1 year)			uncertain	greater than preceding options	greater than preceding options
Group home	$40[b]	$15,000			
Intensive program	$80[c]	$30,000			
Local confinement (6 months-1 year)	$60[d]	$11,000-$22,000	greater than preceding options	uncertain	greater than preceding options
Long-term confinement (1 year in CYA institution)	$63-80[e]	$23,000-30,000	most severe	uncertain	greater than preceding options

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[a] According to a 1981 CYA survey, the average monthly cost for the 5084 juvenile hall detention spaces in the state was $1638, varying from about $900 per month in Shasta County to $3000 per month in Santa Maria County (20 beds), the San Fernando Valley (277 beds), and Central Los Angeles (539 beds).

[b] According to a CYA survey, on June 30, 1981 there were 3742 wards residing in group or foster homes, the majority of them placed for WIC 602 offenses. The monthly per capita cost for these placements ran about $1200 in Los Angeles and Alameda Counties, but only about $850 in some of the rural counties. Los Angeles had 1256 juvenile court wards placed in group or foster homes, and 1200 of them were WIC 602 offenders.

[c] Cost of VisionQuest placement.

[d] The average monthly cost per minor for county ranches and camps, according to an October 1981 CYA survey of county probation departments, varied from around $850 per month for two 100-bed facilities in Alameda County to $3500 per month for a 96-bed special treatment program in Los Angeles. Typical costs were between $1400 and $1700 per month. Three 100-bed camps in Los Angeles averaged about $2500 per month. These costs do not normally include the costs of educational programs, which are provided by the county Department of Education.

[e] The average per capita cost of CYA institutions for 1980-81 is reported in the state budget as $22,405. The per capita cost varied among institutions, from $27,323 at the Northern Reception Center to $24,121 at Preston, to $15,565 at the Oak Glen forestry camp. These figures do not include any amortization of capital items or central headquarters administrative costs, nor does the Oak Glen cost include the Department of Forestry supervisors. These additional costs could boost per capita costs by $3000 to $6000 per year.

on a presumption that the youth will straighten out without further intervention--a presumption that is usually correct.

Community service, restitution, or programming options have somewhat higher administrative, supervisory, or service delivery costs than straight probation, but they also provide more direct punishment, treatment, and even incapacitative effects. A juvenile who is attending special classes or working under the supervision of the Parks Department is, at least for that time, not engaging in criminal activity.

Any form of detention or placement is considerably more expensive than options that allow a juvenile to continue to reside at home. Completely self-sufficient placement programs, including secure institutions, cost at least $60 per day. Group homes that require less security and custodial control, and can draw on other community resources, cost somewhat less. Short-term detention that lasts only a few days up to several months is frequently used as a form of crisis intervention to either punish a juvenile who will not comply with his condition of probation, to interrupt a behavioral pattern, or to give everyone a chance to explore alternative options. These short-term confinements, while clearly punitive and expensive, provide very little in the way of treatment services since there is little time or incentive for the institutional administrators to get to know the youth or work out an individual program.

For juveniles who exhibit continuing behavioral or family problems, but who do not yet represent a serious safety risk to the community, community placement in a group home is a possible alternative. The group home provides an alternative living environment and/or more consistent supervision than the juvenile received at home. A placement in excess of six months provides an opportunity to work out a program for each juvenile that meets his or her individual needs. The group setting also avoids some of the more adverse effects of institutionalization (such as gang activity) while preparing the juvenile to reenter the community. A problem with group homes is that it is difficult to monitor the quality of care they provide. The quality of the home is really the quality of the people who run it. Group home placement for a year can be looked on as more punitive than one or two months of detention. It also provides an opportunity for considerably more treatment of any type, and also incapacitates.

Placements in more intensive programs, such as VisionQuest, are really an alternative to traditional institutionalization. The costs for the two are comparable. While institutions are probably somewhat easier to run, are possibly more escape-proof, and provide a direct means of containing those few juveniles who represent a threat to everyone around them (detention cells), they are less treatment-oriented and are less able to contain internal peer pressures that run counter to their own program objectives. In other words, institutions inevitably breed their own negative peer-dominated environment. Notice, also, as we pointed out earlier, that placements involving more intensive treatment also invariably involve greater punishment.

The point of this exercise has been to demonstrate that juvenile sentencing choices are in no way clear-cut. If punishment, treatment, and incapacitation objectives are to be balanced in individual cases, sentencing decisions must reflect more than simply age and criminal record.

ALTERNATIVE SENTENCING STRUCTURES

If the legislature determines that juvenile courts should be provided with greater guidance, or less discretion, in making sentencing decisions, there are a number of ways in which it can proceed, ranging from the articulation of sentencing principles to the establishment of mandatory or determinate terms for particular types of delinquents. In this section we will argue for a gradual or evolutionary approach, utilizing prescriptive guidelines on policy statements as a means of guiding individual sentencing decisions. The principal reason that we advocate this option is that guidelines provide a means of gradual policy development and refinement that can focus on the specific types of cases where greater guidance is required, while retaining the flexibility of local court officials to experiment with a variety of options in those types of cases where the resolution of competing treatment, punishment, and community protection objectives remains unclear.

The most direct means for the legislature to infuse more consistency or severity into the juvenile sentencing process, should it choose to do so, might appear to be through the establishment of mandatory terms for the most serious offenses. We strongly advise against such a policy for several reasons. The primary characteristic that now distinguishes juvenile from adult criminal proceedings is a greater concern with rehabilitation and the future development of the juvenile. Any mandatory sentencing scheme that focuses exclusively on a juvenile's age, offense, and prior record must by definition ignore rehabilitation issues. If rehabilitation and the unique circumstances of individual juveniles are to be ignored for some combinations of offense and prior record, such cases should be waived up to the criminal courts, which are designed to handle cases from such a perspective. Any attempt by the legislature to mandate dispositions for particular types of juvenile cases would render meaningless the distinction between juvenile and adult criminal proceedings. The other reason that mandatory sentencing would not be appropriate for juvenile cases is that the requirements of the law could be easily circumvented by judges and prosecutors, if they had an interest in doing so; and in all likelihood they would, in order to hold down overcrowding or to avoid injustices in particular cases. These deviations would take place through the manipulation of charges, obscuring the true nature of the cases treated by the system and the actual severity of dispositions.

Another alternative that the legislature might consider would be a determinate sentencing scheme like the one that now exists in California for adults. The legislature could establish a specific sentence, or range, for each offense. The institutional placement and time to be served by a specific juvenile would then be set by the juvenile court at the time of sentencing. Such a scheme would raise several problems.

One problem with determinate sentences is the legislature's tendency to increase their severity repeatedly, in response to pressure from individual legislators and the public. When it turns out that the legislatively prescribed sentences would overload the available institutional capacity, which they invariably do, prosecutors and judges have little choice but to modify charging and sentencing practices on an ad hoc basis to accommodate to available resources.

Another problem with determinate sentencing for juveniles is that it may unduly restrict judges in adapting sentences to the unique circumstances of their county and the needs of particular juveniles. If the juvenile system is to retain any concern with rehabilitation, then judges in different counties must be allowed to consider a broader range of alternatives, which will vary considerably among counties, than those that apply to adults. In any sentencing system that recognizes the objectives of accountability and rehabilitation, communities are bound to differ in the emphasis that they assign to these two competing aims.

A third alternative that the legislature might consider, as a means of intervening in the juvenile sentencing process, might be the adoption of parole guidelines or standards for the CYA. This alternative would leave placement decisions in the hands of the juvenile court, as they are now, but restrict the discretion of the Youthful Offender Parole Board in setting the terms of those juveniles who are committed to the CYA. However, this alternative suffers from many of the same problems associated with determinate sentencing. For one thing, public pressure for harsher terms would cause a gradual escalation of prescribed term length, and a resulting population that exceeded institutional capacity. This alternative also has the drawback of focusing on those decisions that are already the most structured and scrutinized. The Youthful Offender Parole Board is a politically responsive agency, whose members are appointed by the governor, that has adopted and continuously modified its own set of guidelines.[3] Given the CYA's limited capacity, there is little reason to believe that the legislature could do much better in allocating the available space.[4]

As an alternative to mandatory sentences, determinate sentences, or parole guidelines for the Youth Authority, we recommend that the legislature establish a commission, made up of leading juvenile justice practitioners, to develop prescriptive sentencing guidelines or policy statements. Specifically, guidelines would provide a recommended range of sentences for various combinations of offense type and prior record. Policy statements would articulate the appropriate balancing of objectives for particular types of offenders. Guidelines would differ from determinate or mandatory sentences in that (1) they would be developed by those who would be responsible for implementing them, and (2) they would only be presumptive; any juvenile court judge would always be free to deviate from the guidelines as long as he gave his reasons.

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[3] Department of California Youth Authority, *Time Setting Model*, July 1980.

[4] The state of Ohio recently shifted more sentencing power to its local juvenile courts, at the expense of the Department of Youth Services, by setting minimum terms that all DYS commitments must serve. Only the committing juvenile court can grant an exception to this minimum and the juvenile court also decides whether to recommit a parole violator (Hamparian and Davis, 1982).

To some skeptics it might appear that advisory guidelines would accomplish little, since they would not curb the discretion currently afforded juvenile court judges. We disagree. At the very least, the development of sentencing guidelines or policy statements would provide a rational means of working out a pattern of sentencing that is judicially acceptable and could be feasibly implemented with the available resources. The guidelines would also provide juvenile court judges with a standard on which to base their sentences, and communities with a standard against which to compare their juvenile court.

SENTENCING GUIDELINES

In their simplest form, sentencing guidelines are a practical and efficient method of articulating how general sentencing principles should be applied in particular types of cases. In the Appendixes we describe the juvenile guidelines that have been developed by the state of Washington, which are but one example of the form that guidelines can take.

In order to discuss the various options that guidelines can include, it is helpful to consider the illustrative example displayed in Fig. 8.1. Sentencing guidelines generally take the form of a matrix or grid in which each cell represents a combination of current offense and prior record severity. The entry in each cell is the recommended range of sentences for that combination. The severity of cases and dispositions increases as one moves to the right or down the grid.

Conviction Offense and Severity Level		Criminal History Score[a]				
		0	1	2	3	4 or more
Misdemeanor	I				0-3	0-6
Unauthorized use of a motor vehicle or drug possession	II			0-2	0-5	0-7
Theft-related crimes	III		0-2	0-3	0-5	0-9
Theft	IV	0-2	0-3	0-5	0-7	0-9
Burglary	V	0-3	0-5	0-6	0-9	6-16
Simple robbery or assault	VI	0-6	0-9	0-12	4-16	6-20
Aggravated robbery or assault	VII	0-12	4-16	6-20	2-24	6-28
Rape	VIII	6-12	9-16	12-20	12-24	12-30
Murder, 2d degree	IX	12-24	12-30	16-36	16-36	16-36

NOTE: Entries are the recommended period of confinement, in months, for that particular combination of offense type and prior record.

[a] Number of prior convictions for criminal offenses.

Fig. 8.1 -- Illustrative juvenile sentencing guidelines

The first issue to be resolved in the development of a guideline grid is the structure of the rows (offense categories) and columns (prior record severity). Once a grid has been established, additional rows or columns can be added as the need for greater differentiation becomes evident. In this example the prior record score is computed by simply counting the number of prior criminal convictions. The prior record score could be made more complex by adding additional weight to convictions for violent offenses, or by counting prior diverted cases, as is done in the Washington model.

Two basic approaches to the development of guidelines have been used in the past: *descriptive* and *prescriptive*. Descriptive guidelines are designed to reflect past sentencing practice, and are developed by analyzing recent case disposition patterns. They have been adopted by judges as a device for reducing disparity. Prescriptive guidelines, which are the type we are recommending here, have been developed as a means of changing sentencing policy for juveniles in Washington and adult felons in Minnesota (Minnesota Sentencing Guideline Commission, 1982).

The development of prescriptive guidelines is an iterative process, usually starting with something close to the current average policy. Changes in one cell usually require compensating changes in others, in order to maintain the appropriate pattern of relative severity. In the development of the new Minnesota guidelines, an explicit decision was made to keep the projected prison population within the current capacity constraint. This constraint, which we would recommend as a starting position for juveniles in California, requires a number of iterations in which the guidelines are adjusted and then the resulting incarcerated population is estimated using a forecast of the expected number of convictions per year within each cell. It does not appear very sensible to go through the effort of developing guidelines if they will result in an institutional population that exceeds the available capacity. In fact, one reason Minnesota officials developed their guidelines was a desire to rationally allocate their available prison capacity.

Another issue is how to characterize the commitment decision. In the example illustrated in Fig. 8.1, we have used two solid lines to divide the cells of the grid into three distinct groups. The first group are the least serious cases, falling above the upper line. These are the cases for which the prescribed sentence does not include commitment to an institution. The second group are the most serious cases, falling below the lower line. These are the cases in which a commitment within the guideline terms is expected. The third group comprises the cases falling between the two lines. For these cases the decision on whether or not to commit is left to the court. The location of these commitment lines is clearly one of the most important issues in developing guidelines. Their slope determines the principal basis for sentencing. If the lines are fairly horizontal, then most of the weight in the commitment decision is given to the current offense. As the lines become steeper, more weight is given to prior record.

In the Minnesota guidelines there is only a single line, dividing the cells into two groups: one for which commitment is prescribed and one for which it is not. Our use of two lines in the illustrative example was designed to reflect and support the discretion of the juvenile court in balancing the goals of punishment, treatment, and community protection for the middle range of cases. If guidelines are developed, we would recommend that the middle range of cases be kept fairly large initially, to see how the pattern of sentencing develops. The lower line can then be gradually raised if it is determined that there should be more certainty of commitment for the more serious cases.

Another issue that must be resolved is the range of terms provided within each cell. Is it to be broad or narrow? The adoption of guidelines does not have to change the current distribution of sentencing power in which the court makes commitments and the correctional institution or Youthful Offender Parole Board determines the commitment duration. The guidelines can be used to guide the discretion of the corrections authorities in setting the lengths of terms. A broad range of possible term-lengths is consistent with rehabilitation and individualized treatment, whereas a narrow range is more consistent with a just deserts or punishment-based model. The range of terms can differ across the grid. In our example, we used broad ranges for the less serious offenders (0 to 9 months for theft with 4 priors) and narrower ranges for the more serious offenders (16 to 28 months for aggravated robbery with 4 priors).

All that a sentencing grid does is suggest sentence ranges--the punitive and community protection components of sentencing. But what about the overlapping options we discussed previously in this chapter? Is time served in a community placement comparable to camp or CYA for guideline sentencing purposes? That is another choice that needs to be made. If community placements are not deemed appropriate for some cells, this can be indicated by an asterisk (*) in those cells. Another alternative may be to make the minimum time in community placements higher than for institutional placements.

Another issue that must be resolved is what happens when the court deviates from the guidelines. The usual procedure (in Washington and Minnesota) is to require the court to state its reasons for the deviations, on the record. The accumulated record of these deviations can then provide guidance in subsequent revisions of guidelines. For instance, assume that in many cases involving burglary with four or more priors, the court does not commit the juvenile to an institution, even though the guidelines recommend commitment. In some instances the revision may change the guidelines to incorporate the deviation, in this case by making commitment optional. In others, it might articulate in stronger language why the pattern of deviation is inappropriate.

The last and most important issue in the development of sentencing guidelines is who will develop them. In both Washington and Minnesota, the guidelines were developed by a commission established by the legislature, whose members were representative of various justice agencies. This is the approach that we would recommend in California for a variety of reasons that are discussed in Chap. 9.

POLICY STATEMENTS

The juvenile justice system processes a large and diverse population of accused delinquents. Furthermore, the institutions of juvenile justice operate with a larger vocabulary of purposes than the criminal courts. Different purposes are and should be accorded different priorities in different classes of cases. In this context, expecting a two-dimensional grid of sentencing guidelines to narrow dispositional diversity while reflecting the factors that should inform decisions in individual cases may be asking too much in the majority of cases.

In the first place, while proportional limits to punitive treatment are important in juvenile justice, they need not be an exclusive organizing criterion in dispositional decisionmaking, particularly where the majority of cases will call for something other than confinement in state facilities. Of course it is still important that burglars committed to the CYA receive less stringent average terms of confinement than similarly situated armed robbers. But only in extreme cases involving repetitively violent offenders will a guideline framework call for presumptive confinement. In the great majority of all cases, including a substantial number of offense and offender categories where state confinement is one option, substantial discretion to use local options and facilities is a necessary part of any guideline framework.

In these circumstances, relying on a single two-dimensional matrix of sentencing guidelines may demand too much of our capacity to domesticate the salient features of juvenile justice and leaves most of the critical cases to discretionary decisionmaking.

There is a supplement, however, to an omnibus guideline strategy that can provide statewide leadership in structuring dispositional discretion in local juvenile courts. The term we hear used is "policy statements." The distinction between a set of sentencing guidelines and the notion of policy statements is like that between trying to deal with a multitude of offenses and offenders as opposed to studying problems one at a time.

For example, a centralized authority might wish to study the treatment of repeat shoplifters or residential burglars. A survey of the different types of dispositions and intervention strategies these juveniles receive could lead to a set of detailed guidelines about (1) what level of government is best suited to handle these offenders, or (2) which characteristics of the offender should trigger state versus local commitment, or (3) what programs should be made available for this specific group. Obviously, the seriousness of the offense and the needs of proportionality would inform such studies and policy statements. We still must worry about what we are doing with armed robbers when issuing a policy statement about burglars. However, there is much to recommend tackling problems one at a time, using the vehicle of a policy statement, as both a supplement to generalized guidelines and a method of tying recommended dispositions to the availability of appropriate programs.

THE DEVELOPMENT OF COMMUNITY BASED SENTENCING OPTIONS

Much of this report has focused on the problems associated with the more serious juvenile delinquents, those who have come back through the system several times and are candidates for some form of placement, for both punitive and community protection reasons. These are the juveniles who have invariably failed to respond to less restrictive and less expensive dispositions in the past. More than 90 percent of the juveniles arrested for criminal offenses remain in their community. The community is where most treatment takes place.

It is our impression that in many jurisdictions there is an unfulfilled need for community based services that can address the wide variety of problems exhibited by less serious delinquent youths. Special school placements or testing for learning disabilities, medical diagnostic and referral services, job counseling and training, emergency housing facilities, supervised recreation, and crisis hotlines are but a few of the services that many delinquent youths need. However, in a time of restricted local governmental budgets and fewer federal grants, these are just the kinds of services that are frequently being cut or certainly made more difficult to find. There is little doubt that the inability of juvenile courts to find appropriate programs to address the problems of the less serious delinquent youths contributes to the continuation of their delinquent behavior, requiring more drastic and expensive intervention at a later date.

In the Juvenile Justice Connection Project, located in the Sylmar Branch of the Los Angeles Juvenile Court, we have seen an example of a program that attacks this lack of community resources directly. The Juvenile Justice Connection Project is the brainchild of Judge Irwin Nebron. With a small amount of private foundation funding (enough to support a full-time coordinator) the project works to mobilize and coordinate a wide variety of community programs that can meet the needs of juveniles who come before the court. The project also benefits from a fair amount of persuasive propagandizing and troubleshooting performed by Judge Nebron himself in his role as community advocate.

In practice, the Juvenile Justice Connection Project is a loosely organized network of concerned individuals representing a variety of community services. The hub of the network is the project director, Sheila Fulton, a former probation officer. A juvenile can be referred to the project by his or her probation officer prior to the disposition hearing, or by an attorney, a minister, a counselor, or some other professional. Judge Nebron is emphatic on the point that the services of the project are available to any youth in the community, not merely those who come before the court.

After the referral has been made, the project director conducts a comprehensive background investigation, gathering school, medical, and family background information. She also gets to know the juvenile, his or her parents, teachers, and anyone else who might be closely involved in the case. On the basis of this investigation, referrals are made to one or more of the programs that the project has identified.

At the time of a juvenile offender's disposition hearing, Judge Nebron can look at the nature of the juvenile's problems that have been identified by the project, as well as the treatment programs that have gotten under way. If the youth is refusing to cooperate, he or she may be denied probation and placed in a regular institutional setting.

The principal difference between what the Connection Project offers and traditional probation services is a strong entrepreneurial spirit and emphasis on community programs. The success of the Connection Project in mobilizing resources apparently comes from its concerted efforts to involve influential community leaders in finding or instigating new programs by placing them on the governing board of the project. The board includes legislators, chamber of commerce, union, medical, school, and major industry representatives. These people have the necessary clout and interest to see that roadblocks to effective programming are overcome, including convincing the public that this is not just another project to coddle delinquents.

The project depends heavily on the enthusiastic support and capabilities of the people Judge Nebron has identified as movers and shakers in the school system and business community. Consequently, it is difficult to recommend exactly how to transfer the experience provided by this project to other jurisdictions. Success will again depend on the capabilities, interests, and contacts of those who are motivated to pursue it. At a minimum, the Connection Project demonstrates that it is possible to locate and utilize a variety of community programs that are not available within traditional juvenile justice agencies. The experience of the project provides some useful insights as to how other communities might proceed and also illustrates the amount of advocacy effort that such a program requires.

CONCLUSIONS

California's current juvenile law does not explicitly recognize punishment as an appropriate juvenile justice system objective, nor does it provide much guidance to juvenile court judges concerning how the competing objectives of punishment, treatment, and incapacitation are to be resolved in specific cases. Our research and interviews with practitioners indicate that punishment is in fact being meted out in the name of rehabilitation and that dispositions for more serious offenders are based on the seriousness of their crimes and their prior records.

We suggest that the legislature recognize punishment, along with treatment and incapacitation, as juvenile justice system objectives. We favor the development of prescriptive sentencing guidelines as a means of articulating the appropriate balance between these competing sentencing objectives and available resources. These guidelines should be flexible enough to permit the juvenile court to adapt them to particular cases. For less serious offenders, we favor mobilization of public and private community resources to respond to the needs of juvenile offenders whose records and behavior are not serious enough to require some form of restrictive placement.

Chapter 9

IMPLEMENTING REFORMS

This report has discussed problems confronting California's juvenile justice system, and has proposed reforms to alleviate those problems. The report cannot and does not provide a complete set of answers, however, because some of the most difficult problems are not simply procedural but go to the heart of the principles on which the concept of juvenile justice is based.

The juvenile justice system is a large and complex bureaucracy. Juvenile cases often involve conflicting objectives that cannot be adequately reconciled by recourse to simple formulas. Local crime problems, community attitudes, and local resources may dictate somewhat different dispositions in similar cases in different areas of the state. The appropriate treatment for many types of problems remains a matter of heated debate, where individual judgment must continue to play an important part.

In this chapter we argue that evaluation and reform should be a continual process, that juvenile justice practitioners should constantly experiment with and evaluate their work. To support this process, we believe that the legislature should establish a continuing Commission on Juvenile Justice, consisting of leading juvenile justice practitioners. The commission should be charged with monitoring the performance of the system and suggesting modifications to the rules that govern it. The commission approach is required by the diversity of issues and interests involved, and is the most promising way to ensure that policy objectives are translated into workable programs.

A SUMMARY OF THE ISSUES TO BE DEALT WITH

Although all types of crime, including those committed by juveniles, are cause for concern, there is no evidence that we are in the midst of a growing crime wave. The number of juveniles arrested for serious crimes has actually decreased in the past few years. Furthermore, aggregate arrest data that show a high proportion of crimes committed by juveniles exaggerate the amount of serious crime that is attributable to younger age groups. Consequently, it is unrealistic to expect that increasing the severity with which most juveniles are handled will have more than a modest impact on the overall rate of serious crime.

The juvenile crime problem is not equally distributed throughout the population, but is particularly concentrated among nonwhite males who reside in major metropolitan areas. The families of these young men are disproportionately afflicted by poverty, limited academic achievement and employment opportunities, broken homes, violence, and frustration--factors that are thought to contribute to serious delinquent behavior, and are worsened by current economic conditions.

This uneven distribution has two consequences. First, because most of the serious crime is concentrated in a few of California's major metropolitan areas, most counties and agencies in the state do not have to deal with many of the serious hardcore delinquents who are the focus of recent public concern over serious juvenile crime; reforms designed to solve some of Los Angeles County's problems, then, may not be appropriate elsewhere. Second, the volume of juvenile crime will remain high until there are improvements in the basic family and community environment in which minority youth are raised.

A principal source of dissatisfaction with the current juvenile system is its alleged overreliance on the rhetoric of rehabilitation and lack of consistent principles for guiding discretion in the handling of cases. Many proposed reforms and current policies of juvenile justice agencies are flawed in that they fail to adequately recognize both sides of the juvenile delinquency problem: that the serious juvenile delinquent is both an adolescent who needs to grow up and a potential risk against whom society must be protected. This double problem does not yield to simple mechanistic solutions.

A realistic system for dealing with serious juvenile offenders must simultaneously recognize that the kid is a criminal and the criminal is a kid--the two are inseparable. The concept of rehabilitation may provide a splendid way of thinking about what should be done for the kid, but ignores the principal reason the kid is in the system: He has committed a serious crime and is a danger to his community. These principles are not now well articulated in the juvenile court law, nor is the juvenile court provided with guidance on how to balance its conflicting objectives in particular types of cases.

The principal criticisms leveled against the juvenile court by those who favor a tougher stance against juvenile crime are: (1) that repeat offenders are given too many chances before they receive any real punishment; and (2) that serious offenders are not sentenced to long enough terms. These issues are both a matter of judgment and available resources. When we examine the disposition patterns for juvenile arrests, we find that juveniles with fewer than five arrests are treated more leniently than are young adults. Restrictive placements are infrequently used. But for juveniles with more than five prior arrests, we find restrictive placements being made as frequently as incarceration is used in the criminal courts. In other words, the juvenile court, by and large, reserves restrictive placements for juveniles who have either committed very serious crimes or who have accumulated extensive prior records--the same kind of sentencing pattern found in the punishment and incapacitation oriented criminal courts. The same criteria of offense seriousness and prior record are used by the Youthful Offender Parole Board in determining parole consideration dates for wards committed to the CYA.

The current pattern of juvenile dispositions is on the average neither excessively lenient nor excessively harsh when judged against the pattern of adult criminal sentencing, available resources, and the differing objectives of the juvenile delinquency versus the adult criminal system. The more serious cases generally entail the most severe sentences. Minor cases are settled without much intervention because the system neither knows what to do nor does it have the resources to do much.

One possible discrepancy in the system may be an overreliance on "time adds" or "time cuts" (good time) as a method of controlling and rewarding institutional behavior. Some lightweight offenders who have difficulty adjusting to institutional demands end up serving long terms, while more hardened delinquents who have learned how to play the system earn an early release. There are good reasons to doubt whether compliance with institutional demands is strongly correlated with delinquent behavior on the street.

The problems of juvenile crime and juvenile justice are inherently local. Juveniles commit most of their crimes in the communities where they reside. The current system allows wide flexibility to local juvenile courts in handling any particular case. There is nothing to prevent the least serious cases from being diverted to local programs, but little that the state can do to ensure that such program options exist. The more serious offenders can be committed to the CYA or waived up to the criminal courts. The principal influence of the state on local disposition patterns is its provision of what is basically free long-term custody--an option that discourages the development of local options for the more seriously delinquent youth. If the legislature is concerned about the severity or consistency with which particular types of delinquents are handled, we suggest the gradual development of prescriptive sentencing guidelines or policy statements that focus on these specific categories of offenders.

Activities in which juveniles are required to participate are called rehabilitation, whether they rehabilitate or not. In fact, we know very little about which programs or program administrators are effective at whatever we mean by "rehabilitation" because the system does not keep track of cases and outcomes in a way that would allow anyone to discriminate among more effective and less effective programs. The frustration engendered by the failure of a few modest experiments, combined with the too hasty public acceptance of the message that "nothing works," has caused many practitioners to throw up their hands in despair. To talk about rehabilitation with any degree of optimism or enthusiasm in the company of corrections officials or workers is to be thought naive or hopelessly idealistic. There are few ideas around and even less in the way of serious program testing and accountability. Recidivism rates among chronic offenders are very high. In order to identify or develop more effective programs, or a wider range of alternatives, the system must create new incentives for innovation. More accountability for outcomes, more decentralization of authority and control, more continuity of treatment, and more competition among programs--including private contractors--are all steps in this direction.

IMPEDIMENTS TO REFORM AND REALISTIC EXPECTATIONS

Three chronic problems in juvenile justice will always hamper reform attempts. The first is the sheer nature of juvenile delinquency. Juvenile delinquency prevention or treatment programs will never have smooth sailing. Failure rates will always be high. Juveniles who rebel against or reject adult values are extremely difficult to deal with, even when their behavior is not criminal. That observation will not be news to parents of teenage children, but it is easy to lose sight of in the face of overblown program descriptions and promises. Teenage rebels can be difficult to turn around, whether in a school or in a correctional institution. Again, any parent who has tried to deal with a teenage drug problem, poor performance in school, or a turbulent teenage romance, is aware of the patience required. Most attempts at intervention are doomed to failure, but nevertheless one must try.

The second problem lies in the nature of the juvenile justice system and the constituencies it attracts. The system is a large and complex bureaucracy representing diverse philosophical and political interests. Each of the constituent agencies--police, prosecutor, court, defense, probation, CYA, private care providers--looks at juvenile delinquency problems from a different perspective and favors a different set of reforms. It is no wonder, then, that system reforms often produce outcomes different from what their proponents intended. Whether these unanticipated modifications are intentional or simply the result of different interpretations of the reform objectives, it is impossible to say, nor does it really matter. The point is that it is usually more productive to work out a collective solution that each agency understands and can subscribe to, rather than simply ramming a change that is being promoted by a particular interest group down everybody else's throat.

The third problem that hinders system reforms is caused by the volume and nature of delinquency cases and the kinds of response that the system has to offer. The problem is discretion. The volume of juvenile delinquency cases requires that most matters be settled informally, without recourse to formal hearings or extensive casework. In many instances we do not want the police to make an arrest, or the prosecutor to file a petition. The court can certainly not afford to take every case to hearing, nor are hearings always necessary. Within that set of circumstances in which formal action may or may not be appropriate, the correct course of action must be determined by an agent of the system who is aware of the full circumstances of the case: the criminal act, the background of the juvenile, special neighborhood and peer group influences, the juvenile's family, etc. There is no way that these decisions can be fully documented for later review. There is no way that these discretionary decisions can be eliminated from the juvenile justice system without seriously sacrificing the interests of individual cases in the name of apparent consistency. Reform proposals must recognize this need for discretion and attempt to guide it through the articulation of consistent principles.

A JUVENILE JUSTICE COMMISSION

The legislature could adopt three approaches in pursuing the reforms that we have proposed: (1) All of the details could be worked out by a legislative subcommittee, relying on formal hearings to solicit the advice and reaction of practitioners; (2) the legislature could establish an ad hoc task force or commission, consisting of representatives of various juvenile justice agencies, to develop the detailed plans for sentencing guidelines and rehabilitative reform; or (3) the legislature could establish a continuing commission of practitioners, to develop and maintain the sentencing system we have proposed, and to monitor the composition and effectiveness of state and local treatment programs. We recommend this third approach.

Our principal reason for recommending the commission approach is that the guidelines that are finally developed must reflect a consensus among practitioner agencies or they will be of little value. There is no way that the legislature can force prosecutors or judges to follow policies they do not agree with. The commission approach appears to be the best way of developing the required practitioner consensus.

Another reason for proposing the commission approach is continuity of focus. Juvenile justice is but one of many important issues that periodically attract the legislature's attention. A group of legislators cannot become as completely familiar with the detailed operation of the system as those who work within it daily. Neither can the legislature ensure that juvenile justice policy issues will be formulated only by those with a strong background in juvenile justice matters. The continual ratcheting up of term lengths, under the determinate sentencing law, motivated by the desire of individual legislators to take a tough stance on crime, provides ample evidence of the problems that detailed involvement of the legislature involves. We would not like to see juvenile justice buffeted by the same type of piecemeal sentencing escalation that has been the experience with the adult system; but it is highly likely that, if the legislature were involved in the detailed development of the guidelines, the first heinous crime in a small county by a CYA ward would set off demands for longer sentences. The legislature might mandate them, but practitioners would be forced to circumvent them, to keep the system operating smoothly. Under these conditions, legislatively developed guidelines would not reflect reality for long.

The proposed commission would provide an appropriate buffer between the legislators, who must respond to the monetary demands of their constituents, and the requirement for a sentencing policy which balances the need for public protection and treatment services with available resources.

We suggest a continuing commission, rather than a one-shot commission to develop the guidelines, because monitoring and modification of the guidelines will be a continuing activity. The commission should also be available to speak with an informed and authoritative voice on other juvenile justice matters that may come before the legislature. The legislature should charge the commission with the following:

- Developing and maintaining a set of prescriptive juvenile sentencing guidelines. For various combinations of offense type, age, and prior record, these guidelines would prescribe the appropriate range of sentences. In developing and maintaining the guidelines, the commission would be constrained by the available institutional capacity and projected caseloads. The guidelines would be subject to legislative review prior to implementation. We suggest that the guidelines go into effect unless vetoed by the legislature.

- Publishing data on disposition patterns, by county, broken down by the same categories defined in the sentencing guidelines.
- Developing and recommending to the legislature more systematic procedures to measure the cost and effectiveness of treatment programs and to hold program administrators accountable for results, measured in terms of recidivism rates. The commission would also supervise the collection and publication of recidivism data for treatment programs. The purpose of these figures would be to assist local juvenile courts and probation departments in making effective placements or in modifying their own programs.
- Examining, along with the legislature and local authorities, changes in the organization and methods of funding treatment programs to encourage greater competition and innovation, including participation of private contractors. Efforts should also be made to identify, encourage, and utilize necessary statutory changes to the legislature.

Of course, the commission members will not be able to carry out these responsibilities by themselves; they will require a full-time staff and research budget.

Appendix A

MOVEMENT PATTERNS AND PAROLE OUTCOMES FOR WARDS ADMITTED TO THE CYA IN 1975

INTRODUCTION

This appendix describes our analysis[1] of what happened to the 3402 wards who entered the CYA as "New Admissions" sometime during the year 1975. These juveniles and young adults pose the most serious delinquency problems that the system must deal with. The analysis focuses on three issues: (1) length of stay in institutions; (2) parole outcomes; and (3) movement patterns among institutions.

LENGTH OF STAY

We consider how length of stay in institutions depends on four factors: commitment offense, prior record, place of commitment, and age of the ward at time of referral to the CYA. We will explain each of these factors in turn, and then describe a model that includes them all at the same time.

The 3402 members of the cohort admitted to the CYA in 1975 were committed for 58 different offenses, ranging in seriousness from 3 who disturbed the peace to 10 who committed first-degree murder. The commonest offenses were enhanced robbery (456 commitments), second-degree burglary (520 commitments), aggravated assault (286 commitments), unenhanced robbery (272 commitments), and auto theft (219 commitments). These five offenses account for almost half of the population.

We grouped the 58 offense categories into 18 major offense groups, keeping the more serious (e.g., first-degree murder) and the more prevalent (e.g., enhanced robbery) separate, and aggregating others on the basis of similarity (e.g., two kinds of rape) or seriousness. We then grouped these 18 major groups into 5 broad categories, mostly on the basis of seriousness. Four of these 5 categories are mostly composed of similar offenses, and the fifth is a collection of minor ones.

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[1] This analysis utilized data contained in the OBITS data system, which is maintained by the CYA. We selected 1975 admissions for this analysis, rather than later years, so that we could study both institutional movements and parole success. Figures on time served, by commitment offense, for later years are readily available from the CYA.

All these classes of offenses are listed in Table A.1, along with the number of wards and the average length of stay for each offense. The average length of stay is strongly dependent on the major offense group, and is quite constant within each group.

We classified each ward's prior record into one of the following six categories:

NONE: No prior contacts or commitments (7% of cohort)
12CON: No prior commitment, but 1 or 2 prior contacts (11%)
3CON: No prior commitment, but 3 or more prior contacts (30%)
1COM: One prior commitment (31%)
2COM: Two prior commitments (13%)
3+COM: Three or more prior commitments (7%)

We grouped the counties into 5 "places":

LA: Los Angeles (35% of cohort)
SC: Rest of Southern California (25%)
SF: San Francisco Bay area (21%)
COMT: Coast and Mountain areas (4%)
VALY: Valleys (16%).

To summarize and measure how length of stay is related to offense, prior record, place, and age, we developed the following simple model. We assume that length of stay (LOS) can be expressed in the form

$$\text{LOS} = \text{OFFENSE} \times \text{PRIOR} \times \text{PLACE} \times \text{AGE}$$

where each of the terms on the right-hand side is a factor that depends on the specific offense, prior record, place, and age of the ward in question, respectively.

We estimate the parameters of this model by taking logs, and applying ordinary least squares. Then we translate the parameters into the terms of the model by taking exponents.

Table A.1

NUMBER OF WARDS AND LENGTH OF STAY (MONTHS) BY VARIOUS OFFENSE GROUPINGS

Broad Offense Category Major Offense Group Detailed Offense		
All offenses	3402	12.6
1st degree murder	10	35.6
Other murder	146	28.8
2nd degree	89	30.7
Manslaughter	40	27.3
Unspecified	17	22.2
Mostly violent	1435	14.5
Aggravated assault	286	15.6
Other violent	105	16.6
Veh. manslaughter	3	18.7
Assault, att. robbery	47	14.4
Assault, att. murder	23	18.2
Devices/bombs	7	16.5
Kidnapping/extortion	25	19.1
Rape	98	17.3
Rape-unspecified	17	17.4
Rape(assault/attack)	81	17.2
Robbery (enhanced)	456	14.0
Robbery (unenhanced)	272	13.6
Robbery (unspecified)	108	13.6
Miscellaneous	110	13.0
Lewd/indecent exp	3	10.2
Lewd/lascivious	12	15.2
Sodomy/sex perv	5	13.4
Sell hard narcotics	24	12.6
Sell marijuana	23	12.1
Hit and run	4	13.9
Arson	19	12.8
Accessory	16	13.3
Miscellaneous felony	4	14.1
Mostly property	1632	9.8
Assault-other	105	10.8
Assault/batt/resist	96	10.8
Misc assault	9	11.5
Burglary-1st	97	12.0
Burglary-1st	97	12.0
Burglary-2nd	520	9.6
Burglary-2nd	520	9.6
Burglary-other	181	8.7
Burglary-unspecified	168	8.7
Attempted burglary	13	9.8
Theft-gr/fraud	151	11.4
Grand theft/fraud	151	11.4
Theft-auto	220	9.4
Robbery-public conv	1	4.9
Auto theft	219	9.5
Theft-other	203	8.3
Petty theft	32	7.8
Rec stolen property	115	8.7
Forgery/checks	56	7.9
Miscellaneous	155	10.5
Firearms	10	16.9
Rape-other	14	9.3
Sex	1	8.3
Poss hard narcotics	22	10.7
Poss dangerous drugs	23	8.8
Sell dangerous drugs	10	10.4
Use/drive under infl	13	9.6
Misc narcotic/drug	4	10.4
Weapons	33	11.6
Drunk driving	3	8.4
Loitering/trespass	2	13.7
Placement failure	20	8.5
Minor	179	7.3
Possess marijuana	31	8.5
Escape jail	11	9.1
Sniffing	10	6.4
Disturb peace	3	8.4
Malicious mischief	10	8.8
Tamper with auto	4	8.5
Disord cond/drunk	4	6.7
Misc misdemeanor	4	6.3
Incorrigible	25	5.6
Traffic	8	5.1

Table A.2 displays the estimated coefficients of this model. As an example of how to interpret these numbers, suppose we consider an 18-year-old from Los Angeles with only one prior commitment, who is committed for one of the "mostly violent" offenses (say, aggravated assault). Then the model predicts a length of stay equal to:

LOS	= 12 months	(basic LOS)
	x 1.03	(adjust for prior record)
	x 1.16	(adjust for Los Angeles)
	x 1.05	(adjust for age)
	= 15 months.	

The "basic length of stay" is not the same as the average length of stay for all wards committed for a given offense. Rather, it is what the average would have been if each of the 4 factors (offense, prior record, place, or age) had divided the cohort into equal numbers. Since, for example, Los Angeles accounts for more of the cohort than any other place, and since wards from Los Angeles have generally longer lengths of stay, the average is higher than the basic length of stay.

Two things may seem strange at first: The length of stay of the oldest wards and the wards with the worst prior records are adjusted downward, not upward. This is probably because the worst of the older offenders are sentenced to CDC, not the CYA.

Other than this effect, we see that age has very little to do with predicted length of stay. The other effects are not unexpected.

From a statistical standpoint, the model just described does quite well: It explains 93 percent of the variation in the logarithm of the length of stay. Table A.3 describes the accuracy in more detail.

We see that the model underpredicts more often than it overpredicts. We looked at a few of the cases where the model underpredicted by a large factor. In each case, the ward in question got in trouble in the institution several times, and had his term extended as a result.

Table A.2

PREDICTED LENGTH OF STAY USING OFFENSE, PRIOR RECORD, PLACE, AND AGE

	Basic Length of Stay
Offense	
1st degree murder	32 months
Other murder	25 months
Mostly violent	12 months
Mostly property	8 months
Minor	6 months
Prior Record	
No prior record	12% lower
1-2 prior contacts, but no prior commitment	6% lower
3 or more prior contacts, no commitment	6% higher
1 prior commitment	3% higher
2 prior commitments	3% higher
3 or more prior commitments	6% higher
Place	
Los Angeles	16% higher
Rest of Southern California	5% higher
San Francisco Bay Area	5% lower
Valleys	6% lower
Coast and Mountain areas	8% lower
Age	
16 or under	1% lower
17	No change
18	5% higher
19	2% higher
20	No change
21 or more	6% lower

Table A.3

ACCURACY OF THE LENGTH OF STAY MODEL

Accuracy	Percent Cases
Within 5%	12%
Within 10%	25%
Within 25%	54%
Underpredicts by more than 25%	28%
Overpredicts by more than 25%	17%

PAROLE OUTCOMES

Parole records tell us whether a ward in the sample cohort was recommitted to a CYA or CDC institution or given an honorable, general, or dishonorable discharge; and something about the ward's status when discharged. To simplify matters for determining recidivism rates, we defined four parole outcome categories:

- *Success*: The ward was given an honorable discharge, and was under no violation.
- *Failed, no prison or CYA*: The ward was given either a general or a dishonorable discharge, and the discharge status was one of the four discharge status categories "No violation," "Whereabouts unknown," "Court action pending," or "Probation or jail."
- *Failed, prison*: The ward was given either a general or a dishonorable discharge, and the discharge status was one of the two discharge categories "Committed to CDC" or "Federal/other prison."
- *Recommit*: The ward was recommitted to the CYA with a new term.

We considered the relationship between these four outcomes and commitment offense, prior record, age at referral, and place of commitment.

Of these, prior record showed the strongest relationship. Table A.4 displays the estimated probability of each parole outcome, given one of six prior record categories. The probability of parole failure ranges from about 29 percent for those with no prior record, up to about 80 percent for those with three or more prior commitments.

MOVEMENT PATTERNS AMONG INSTITUTIONS

Each time a ward changed his or her location, a record was placed in the OBITS file. This record indicates the location (and living unit, if there is one) where the ward was located before the change, how long the ward stayed there, and where he or she went. Many different locations are possible, but for this analysis we grouped them into five categories:

1. Reception centers/clinics
2. Living units for the mentally disturbed: Marshall, Wintu, Redwood, or DOH
3. Regular institutions: Institutions other than Preston or YTS
4. Preston/YTS
5. All others

Table A.4

PAROLE OUTCOME PROBABILITIES, BY PRIOR RECORD

	Estimated Probability of Parole Outcome				
		Failure			
Prior Record	Success	No Prison	Prison	Recommit	All
No prior record	71%	13%	8%	9%	29%
1 or 2 contacts	63	19	9	10	37
3 or more contacts	45	20	14	21	55
1 commitment	35	23	14	28	65
2 commitments	32	23	12	33	68
3 or more commitments	20	28	15	37	80

A ward's movement from reception, through the various clinics, institutions, camps, etc., and finally through discharge or parole, constitutes what we call a *location pattern*.

The wards admitted to the CYA in 1975 traced out several hundred different location patterns. However, many stays were short ones, such as furloughs, one-day stays in institutions (en route to others), court appearances, and escapes. When we ignored all locations in which the length of stay was shorter than 60 days (except for the initial stay in the reception center), the collection of patterns became much smaller, consisting of about 50 different patterns. However, the most frequent patterns sufficed to describe most of the cohort, and most of the remaining patterns described only one or two wards. After inspecting these rare patterns, we found a way to aggregate them to obtain a dozen location patterns that describe the entire cohort. These simplified patterns are defined in Table A.5. Table A.6 displays the percentage of the cohort that traced each pattern, their average total length of stay, and the distribution of parole outcomes for each pattern.

Several interesting patterns can be discerned from these figures. First, wards who must be transferred between institutions, usually for disciplinary purposes, end up serving considerably longer terms than those who do not move. Those who are sent to an institution from camp serve 46 percent longer terms than those who parole from camps. Those who are moved from one institution to another serve 60 percent longer than those who do not move. Those who are transferred from regular institutions, when their initial placement was presumably based on their less serious record, serve longer terms than those initially placed in Preston or YTS, presumably the most serious wards based on their prior record.

The average success rate on parole for all wards was 41 percent; 38 percent were either recommitted to the CYA or sent to prison before their parole expired. The best success rate was achieved by those initially placed in camps or released from the clinic. The worst success rate is exhibited by those who were transferred to YTS or Preston--the disciplinary problems. Whether the low success rate for Preston and YTS wards represents an accurate prediction by the staff, in

Table A.5

LOCATION PATTERNS

Pattern	Consecutive
Released from clinic	Never spent more than 60 consecutive days anywhere, except possibly the original reception center.
Camp only	Only location lasting more than 60 consecutive days was a camp.
Camp + transfer(s)	First location lasting more than 60 consecutive days was a camp, then spent at least 60 consecutive days somewhere else.
Regular institutions	Only location lasting more than 60 consecutive days was an institution other than Preston or YTS.
Two regular institutions	Had exactly two different locations lasting more that 60 consecutive days, both of them institutions other than Preston or YTS.
Regular institution + Preston/YTS	Had exactly two different locations lasting more than 60 consecutive days. The first was an institution other than Preston or YTS, the second was Preston or YTS.
Regular institution + transfer(s)	First location lasting more than 60 consecutive days was an institution other than Preston or YTS. Then spent at least 60 consecutive days somewhere else, either more than once, or somewhere other than an institution.
Preston/YTS	Only location lasting more than 60 consecutive days was Preston or YTS.
Preston/YTS +	First location lasting more than 60 consecutive days was Preston or YTS. Then spent at least 60 consecutive days somewhere else.
Mentally disturbed	Either spent at least 60 days in one of the living units for the mentally disturbed or at DOH, or was received directly by one of these units.
Other, Preston/YTS at least once	None of the above categories, and spent at least 60 consecutive days in Preston or YTS.
Other	None of the above.

NOTES: (1) For the purpose of these definitions, if a ward is in one of the living units for the mentally disturbed, he is not classed as being in a regular institution or a reception center. Thus, for example, a ward received into Marshall who spends all his time there would be placed in the "Mentally disturbed" pattern, not the "Released from clinic" pattern. (2) The two patterns ending with "+ transfer(s)" may have more than one subsequent stay of more than 60 consecutive days. Thus a ward spending 60 days at Preston, another 60 days at YTS, then a third 60 days in a camp would belong to one of these patterns. (3) "Somewhere else" includes clinics, institutions, camps, CDC institutions, as well as court appearances, furloughs, and escapes.

Table A.6

PERCENT OF COHORT, LENGTH OF STAY, AND PAROLE OUTCOME PROBABILITIES, BY LOCATION PATTERN

			Parole Outcome Probabilities				
				Failure			
Pattern	Percent of Cohort	Total LOS (days)	Success	All	No Prison	Prison	Recommit
All Wards	100%	382	41%	59%	22%	13%	25%
Clinic	6	113	49	51	20	9	23
Camp	10	279	55	45	26	9	10
Camp plus	2	407	50	50	26	12	12
Regular	48	344	39	61	16	11	33
Two regulars	3	547	42	58	19	16	23
Reg+Preston/YTS	3	557	22	78	30	22	26
Regular plus	3	674	41	59	27	13	19
Preston/YTS	14	426	39	61	26	17	18
Preston/YTS +	3	634	32	68	27	25	16
Mental	4	544	41	59	23	15	21
Other+Preston/YTS	1	935	25	75	42	17	17
Other	2	477	28	72	37	24	11

placing them in these institutions, or a criminogenic effect of the institutions themselves, we can not say from this data. In either case the high failure rate of wards from these institutions should be cause for concern.

Appendix B

THE STATE OF WASHINGTON'S NEW JUVENILE SENTENCING LAW[1]

The State of Washington provides an example of how a state can modify its juvenile laws to bring more accountability to juvenile proceedings, and to more explicitly balance the competing interests of public protection and reformation of juvenile offenders. Between 1913 and 1977, Washington's juvenile code, like that of most other states, was based on the twin concepts of "in loco parentis" and "the best interests of the child." The 1977 revision, which was sponsored by the King County prosecutor, was designed to provide greater due process protection to juveniles and more protection to the community against serious juvenile crime. One key aspect of the revised law is a presumptive sentencing framework that ties dispositions to the seriousness of the current offense and the juvenile's prior criminal history.

The new Washington juvenile law eliminates the role of probation officers in screening petitions and places filing decisions completely in the hands of the prosecutor. The police bring juvenile cases directly to the prosecutor, who screens them for legal sufficiency without consideration of prior record. Legally sufficient cases must be either filed or diverted, a decision which is based on the seriousness of the current offense and prior record. A diversion agreement involves a written contract between the juvenile and the diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. In theory these conditions are supposed to be the same as would be imposed following conviction. The primary advantage of diversion to the juvenile is the avoidance of a formal conviction record. However, if the juvenile is subsequently charged with another offense, prior diversions can be counted as part of his or her prior record.

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[1] M. Sidran, 1981.

The code's sentencing scheme is semi-determinate or presumptive in nature. It is based on the concept that accountability for an offense should be determined primarily by the seriousness of the offense, the age of the offender, the offender's prior criminal history, and the recency of that history. The legislature has delegated the authority, subject to legislative review, to adopt "standard ranges" of sentences based on the above criteria, to an independent sentencing commission appointed by the governor and approved by the senate, representing the major actors in juvenile justice. The statutory limitations on juvenile sentences require that periods of confinement and supervision not exceed those to which an adult could be subjected for the same offense and that terms of confinement exceeding 30 days be served in a state facility.

The available sentence options include:

1. Community supervision, which for each count may not exceed a period of one year and may include:
    a. Up to $100 fine;
    b. Up to 150 hours community service;
    c. Attendance at information classes;
    d. Counseling;
    e. Other services, conditions, or limitations not including confinement.
2. Confinement of up to 30 days in a local facility.
3. A combination of community supervision and confinement.
4. Commitment to a state institution.

For purposes of sentencing, the Washington code distinguishes three categories of juvenile offenders: serious, minor, and middle.

1. Serious offenders are juveniles 15 years of age or older whose offense is either a Class A felony (murder, arson 1, assault 1, kidnap 1, rape, robbery 1, etc.) or other designated felony (robbery 2, burglary 2, rape 2, etc.) if the juvenile inflicted bodily harm or was armed with a deadly weapon.

2. Minor or first offenders are juveniles 16 years or younger whose current offense and criminal history are less serious than such combinations as four misdemeanors, a Class C felony and one misdemeanor, etc.
3. Middle offenders include all those not falling into the above two categories.

Unless there is a finding of manifest injustice, minor or first offenders may not be confined, serious offenders are to be committed for the standard range, and middle offenders may be sentenced to community supervision or confinement according to the guideline score.

Once a juvenile has been convicted, the calculation of the presumptive sentencing range proceeds roughly as follows:

1. The current offense points are determined from the matrix in Schedule C (Fig. B.1) for the appropriate combination of current offense and age.
2. An increase factor is determined for each prior offense from Schedule B (Fig. B.2), depending on the seriousness of the prior (Offense Class) and its recency (whether committed within 0-12 months, 13-24 months, or more than 25 months previously). The increase factor is the sum of the factors for each prior offense plus 1.0.
3. After multiplying the increase factor by the current offense points, the sentence for the current offense is determined from Schedule D (Fig. B.3). Multiple offenses are sentenced consecutively.

The new Washington law has been in effect for almost five years without substantial modification. As one might expect, prosecutors are more pleased with the new law than are probation officers and judges, who have had their traditional discretion curtailed.[2]

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[2] The impacts of the Washington juvenile law reforms are being evaluated by Anne Schneider and Donna Schram at the Institute of Policy Analysis in Eugene, Oregon. Their final report is due to be completed sometime this spring. Their evaluation will show that the new law and

Offense Class	Age 12 & Under	13	14	15	16	17
A+	Standard range: 125-156 weeks					
A	250	300	350	375	375	375
B+	110	110	120	130	140	150
B	45	45	50	50	57	57
C+	44	44	49	49	55	55
C	40	40	45	45	50	50
D+	16	18	20	22	24	26
D	14	16	18	20	22	24
E	4	4	4	6	8	10

Fig. B.1 -- Juvenile Court Sentencing Report, State of Washington, Schedule C: current offense points (from Sidran, 1981)

The new Washington juvenile law provides a working example of how sentencing guidelines for juveniles might be applied in California. But it does not represent the only form that guidelines might take. Any systematic way of combining information about the juvenile's current offense, age, and prior record, to arrive at an appropriate range of sentences, could be equally valid.

For instance, instead of translating the current offense charge and age into a point score, which must then be multiplied by a prior record

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guidelines did increase the degree of uniformity or consistency in juvenile sentencing, as intended. It also appears that the shift in screening authority from probation to prosecutor, coupled with an explicit focus on holding all juvenile offenders accountable (i.e., they are to receive some form of punishment even if they are diverted) if there is a legally sufficient case, has resulted in a higher percentage of cases surviving the earliest steps in the process and reaching some formal settlement. The new law does have many critics who find the mechanics of calculating the guideline terms more cumbersome than necessary.

Offense Class	Time Span (Months)		
	0-12	13-24	25 & Over
A+	0.9	0.8	0.7
A	0.9	0.8	0.6
B+	0.9	0.7	0.4
B	0.9	0.6	0.3
C+	0.6	0.3	0.2
C	0.5	0.2	0.2
D+	0.3	0.2	0.1
D	0.2	0.1	0.1
E	0.1	0.1	0.1

Prior History: Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by the court to be correct prior to the commission of the current offense(s).

Fig. B.2 -- Juvenile Court Sentencing Report, State of Washington, Schedule B: Offense Increase Factor (from Sidran, 1981)

increase factor and translated back into a maximum sentence, the guidelines could deal in term-length directly. Above some age level, say 14, the guidelines might prescribe a range of terms for each offense charge. Prior record and age could then be used to determine the appropriate sentence within the range, or increase the upper limit by some specific increment.

Points	Guidelines for Maximum Community Service Hours, Maximum Supervision, and Maximum Fine[a]			Detention Days[b]	Institution Time (Weeks)
1-9	0-16	3 mo	$ 25	---	---
10-19	8-24	3 mo	25	---	---
20-29	16-32	3 mo	50	1-2	---
30-39	24-48	6 mo	50	2-4	---
40-49	32-56	6 mo	75	3-6	---
50-59	40-64	9 mo	75	5-10	---
60-69	48-72	9 mo	75	8-15	---
70-79	56-80	1 yr	100	10-20	---
80-89	64-88	1 yr	100	15-25	---
90-109	72-96	1 yr	100	20-30	---
110-129	80-104	1 yr	100	20-30	8-12
130-149	88-112	1 yr	100	20-30	13-16
150-199	96-120	1 yr	100	20-30	21-28
200-249	104-128	1 yr	100	20-30	30-40
250-299	112-136	1 yr	100	20-30	52-65
300-374	120-144	1 yr	100	20-30	80-100
375+	128-150	1 yr	100	20-30	103-129

[a] Allowable: 1 year supervision, 150 community service hours, $100 fine.

[b] Allowable detention time: 0-30 days. Minor or first-offender Confinement time will not be served.

Fig. B.3 -- Juvenile Court Sentencing Report, State of Washington, Schedule D: current offense points sentencing schedule (From Sidran, 1081)

Appendix C

ARREST AND DISPOSITION PATTERNS

These tables contain the detailed figures for the arrest and disposition patterns that were described in Chaps. 2 and 4.

Table C.1

ARRESTS PER 100,000 OF POPULATION AT RISK BY RACE, AGE, PLACE, AND YEAR

Race	Age	Place	Year	Homicide	Robbery	Assult	Burglary
White	14-17	Los Angeles	1976	6.0	265.7	409.8	2739.6
			1980	14.5	246.9	416.8	2571.9
		Rest of SoCal	1976	6.6	214.9	476.6	3220.9
			1980	6.2	140.5	423.9	2662.9
		San Francisco	1976	5.6	202.7	410.2	2469.0
			1980	8.1	177.2	417.3	2276.4
	18-49	Los Angeles	1976	17.5	138.0	317.9	488.4
			1980	21.5	152.3	392.2	573.9
		Rest of SoCal	1976	14.0	94.4	218.9	381.7
			1980	16.0	121.4	349.0	501.2
		San Francisco	1976	13.2	123.0	311.0	455.2
			1980	12.6	107.4	355.5	403.5
Hispanic	14-17	Los Angeles	1976	65.1	664.0	1467.4	2883.1
			1980	103.0	918.3	1127.6	3087.9
		Rest of SoCal	1976	51.2	767.5	1489.0	3517.9
			1980	93.0	564.2	1259.4	2701.5
		San Francisco	1976	7.4	289.2	370.7	1279.0
			1980	32.2	397.1	837.1	2228.6
	18-49	Los Angeles	1976	54.2	297.1	752.2	814.2
			1980	88.5	584.1	979.5	1324.8
		Rest of SoCal	1976	36.1	233.7	585.0	708.0
			1980	55.9	404.8	1033.5	1064.6
		San Francisco	1976	21.9	158.4	405.1	543.6
			1980	28.6	210.5	573.5	594.8
Black	14-17	Los Angeles	1976	121.3	3608.0	2364.9	9168.4
			1980	292.2	5557.4	2492.5	8199.7
		Rest of SoCal	1976	37.2	2714.8	1760.3	8379.8
			1980	29.8	2105.3	1648.5	5372.4
		San Francisco	1976	60.1	2879.0	1567.9	7489.8
			1980	78.1	2684.9	1532.8	6058.1
	18-49	Los Angeles	1976	174.7	1719.5	1903.6	2611.3
			1980	260.3	2347.4	2284.7	3081.7
		Rest of SoCal	1976	61.0	846.3	831.1	1756.2
			1980	111.4	1957.1	2229.3	2957.3
		San Francisco	1976	147.9	1602.9	2122.6	3183.4
			1980	13.9	1666.7	2210.1	2979.5

Table C.2

EFFECT OF PRIOR RECORD ON DISPOSITION:
LOS ANGELES JUVENILE ROBBERY SAMPLE

		Cumulative Percentage Reaching Disposition Step					
Subgroup	No. of Cases	Referral	Request	Filed	Con-victed	Incar-cerated	State Time
Nonaggravated and fewer than 5 priors	57	91	80	69	53	23	8
Either aggravated or 5 plus priors	107	92	85	77	59	38	20
Aggravated and 5 plus priors	37	86	86	81	67	63	39

Table C.3

EFFECT OF PRIOR RECORD ON DISPOSITION: LOS ANGELES
LOS ANGELES JUVENILE ROBBERY SAMPLE
Juvenile Burglary Sample

		Cumulative Percentage Reaching Disposition Step					
Subgroup	No. of Cases	Referral	Request	Filed	Con-victed	Incar-cerated	State Time
Fewer than 5 priors	155	84	57	50	45	14	3
More than 5 priors	50	92	87	76	73	42	25

Table C.4

DISPOSITION OF JUVENILE ARMED ROBBERY ARRESTS BY OFFENSE AND PRIOR RECORD SEVERITY

Subgroup of Cases	Site	Percent of Cases in Site	Referral	Request	Filed	Con-victed	Incar-cerated	State Time
Nonaggravated and fewer than 5 priors	LA	28	91	80	69	53	23	8
	SAC	18	100	80	80	50	12	0
	OAK	25	100	95	86	62	12	6
Either aggravated Offense of 5 plus priors	LA	53	92	85	77	59	38	20
	SAC	44	100	96	87	62	40	27
	OAK	45	100	95	78	62	20	16
Aggravated offense and 5 plus priors	LA	19	86	86	81	67	63	39
	SAC	38	100	100	100	86	80	37
	OAK	30	100	96	92	88	75	63

Table C.5

DISPOSITION OF JUVENILE BURGLARY ARRESTS

Subgroup of Cases	Site	Percent of Cases in Site	Referral	Request	Filed	Con-victed	Incar-cerated	State Time
Fewer than 5 prior arrests	LA	76	84	57	50	45	14	3
	SAC	48	95	89	89	53	10	1
	OAK	60	100	82	69	58	5	1
5 or more prior arrests	LA	24	92	87	76	73	42	25
	SAC	52	100	97	92	50	39	16
	OAK	40	100	96	87	81	37	16

Table C.6

DISPOSITION OF JUVENILES VERSUS YOUNG ADULTS: LOS ANGELES

Number of Aggravating Factors[a]	No. of Cases		Convicted		Incarcerated		State Time	
	Juv.	Adult	Juv.	Adult	Juv.	Adult	Juv.	Adult
Armed Robbers (Percent of Arrests)								
None	57	46	53	56	23	41	8	15
1	107	69	59	53	38	43	20	27
2	37	59	67	53	63	53	39	46
3		20		60		60		45
Residential Burglars (Percent of Arrests)								
None	155	150	45	56	14	42	3	6
1	50	60	73	56	42	53	25	2
2		21		52		30		7

[a] For robbers: aggravated offense, 5 or more juvenile priors, or violent adult prior. For burglars: 5 or more juvenile priors, or violent adult prior.

Table C.7

DISPOSITION OF JUVENILES VERSUS YOUNG ADULTS: SACRAMENTO

Number of Aggravating Factors	No. of Cases		Convicted		Incarcerated		State Time	
	Juv.	Adult	Juv.	Adult	Juv.	Adult	Juv.	Adult
Armed Robbers (Percent of Arrests)								
None	10	14	50	29	12	29	0	7
1	24	82	62	50	40	49	27	36
2	21	17	86	53	80	53	37	53
3		9		44		44		44
Residential Burglars (Percent of Arrests)								
None	102	138	53	55	10	50	1	4
1	97	24	50	69	39	69	16	48
2		10		70		70		50

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